

# HOUSE OF REPRESENTATIVES—Monday, September 14, 1998

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. JONES).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,  
September 14, 1998.

I hereby designate the Honorable WALTER B. JONES to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
Speaker of the House of Representatives.

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. GANSKE) for 5 minutes.

## CALLING FOR PRESIDENT CLINTON TO RESIGN

Mr. GANSKE. Mr. Speaker, I spent the weekend reading the Starr report and the White House rebuttal. The President's DNA on Monica Lewinsky's dress is clear proof that the President had sex with a White House intern. This means that the President lied when he wagged his finger and looked us in the eye and said, "I'm going to say this again: I did not have sexual relations with that woman, Miss Lewinsky."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Iowa (Mr. GANSKE) is reminded not to make those references. This is under the Speaker's announced guidelines interpreting the rule of the House.

## PARLIAMENTARY INQUIRY

Mr. GANSKE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GANSKE. Mr. Speaker, all across the country the Starr report is being read in every newspaper by citizens. This is the floor of the House of the

people. I am not saying anything that has not been reported in the Starr report and verified by scientific, factual detail. Is the Chair ruling that Members cannot speak about the Starr report in this well?

The SPEAKER pro tempore. That is correct. As the Chair reiterated, with the concurrence of the minority leader, on September 10, 1998, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior, and this restriction extends to quoting from or inserting in the RECORD extraneous material that is personally abusive of the President and would be improper if spoken as the Member's own words.

It is only during the pendency of proceedings actually relating to impeachment as the pending business on the floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

While an inquiry is underway in committee, the committee is the proper forum for examination and debate of such allegations. Indeed, after a question actually relating to impeachment has been considered on the floor, the House returns to the conduct of its other business, and references to personal conduct on the part of the President may not be continued or repeated.

Mr. GANSKE. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GANSKE. Mr. Speaker, the other body, the Senate, has had already extensive comments and debates on their floor. Is the Chair telling me that Members of the House will not be able to refer to the Starr report until the Committee on the Judiciary handles this?

The SPEAKER pro tempore. The other body is governed by different rules, and the gentleman is correct where the matter is not the pending impeachment business on the floor.

Mr. GANSKE. Mr. Speaker, let me try to revise my remarks, and I will proceed.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GANSKE. Mr. Speaker, I guess the Speaker can tell me if I am out of order again.

For a President to be effective, he must be trusted to tell the truth. I believe that the President should now do the honorable thing and resign.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 12 noon.

## PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We read in the Psalm that You, O God, are our good shepherd and we shall not want.

As the shepherd protects the sheep from any harm, so we pray, O God, that You will keep your people from any harm or hurt; as the shepherd nourishes the sheep in green pastures, so may we be nourished by Your forgiving word; as the shepherd walks through any difficulty or danger, so may You walk with us and with our companion along life's way; as the shepherd's great joy is goodness and mercy, so may Your compassion never depart from us. For all these gifts, O loving God, we offer these words of thanksgiving and praise. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1956. An act to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

#### PUT MILITARY BACK ON FIRM FOOTING TO MEET CHALLENGES OF 21ST CENTURY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, no doubt about it, we are living in a more dangerous world today than ever before. Weapons of mass destruction are possessed and are increasingly available around the world and the violence of terrorism is about to take a step toward us on every day that we possess.

A world class military is composed of world class leaders, world class soldiers, sailors, airmen and marines. Why then, Mr. Speaker, are the United States pilots saying no to military careers and why are our sailors choosing to get out of the Navy rather than face long months at sea? It is because our military families are being asked to live in substandard housing and to endure long family separations.

Even the chairman of the Joint Chiefs has argued that operational readiness, quality of life, and modernization cannot be sustained at current budget levels.

A recent internal Army memorandum made it clear that maintaining go-to-war readiness meant sacrificing infrastructure maintenance, as well as repairs and quality-of-life initiatives. The memo's bottom line was clear: Funding has fallen below the survival level.

This administration has mortgaged our military and is about to default on the obligation. Mr. Speaker, we have an obligation to provide for the security of our Nation. I urge my colleagues to join me in placing our military back on firm footing to meet the challenges of the 21st century. Our Nation demands it, our military deserves it.

#### CONGRESS MUST DEAL WITH CRISIS ACROSS THE GLOBE—TIME TO MOVE BEYOND "TOPIC NUMBER ONE"

(Mr. LANTOS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, this weekend, along with millions of other Americans, I was inundated with the media's preoccupation with recent developments involving the White House. Since everything has been said on this subject, my contribution will be not to add to this cacophony.

I am announcing that beginning tonight, with every day we are in legislative session, I will be devoting a segment of time each evening to an important international event or issue which is of relevance to the security and safety of the American people.

The world has not come to a standstill. People across the globe are not as mesmerized by "Topic Number One" as the media seems to be here in the United States. From Southeast Asia to South America, from Bosnia to Brazil, from Russia to Rwanda, crises abound and are mounting. It is critical we deal with them, and I intend to do so.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

#### HUMAN SERVICES REAUTHORIZATION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes, as amended.

The Clerk read as follows:

S. 2206

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Human Services Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—AMENDMENTS TO THE HEAD START ACT

Sec. 101. Short title.

Sec. 102. Statement of purpose.

Sec. 103. Definitions.

Sec. 104. Financial assistance for Head Start programs.

Sec. 105. Authorization of appropriations.

Sec. 106. Allotment of funds.

Sec. 107. Designation of Head Start agencies.

Sec. 108. Quality standards.

Sec. 109. Powers and functions of Head Start agencies.

Sec. 110. Head Start transition.

Sec. 111. Submission of plans to governors.

Sec. 112. Participation in Head Start programs.

Sec. 113. Early Head Start programs for families with infants and toddlers.

Sec. 114. Technical assistance and training.

Sec. 115. Professional requirements.

Sec. 116. Family literacy services.

Sec. 117. Research and evaluation.

Sec. 118. Reports.

Sec. 119. Repeal of consultation requirement.

Sec. 120. Repeal of Head Start Transition Project Act.

Sec. 121. Effective date; application of amendments.

#### TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

Sec. 201. Short title.

Sec. 202. Reauthorization.

Sec. 203. Related amendments.

Sec. 204. Assets for independence.

Sec. 205. Effective date; application of amendments.

#### TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

Sec. 301. Short title.

Sec. 302. Authorization.

Sec. 303. Definitions.

Sec. 304. Natural disasters and other emergencies.

Sec. 305. State allotments.

Sec. 306. Administration.

Sec. 307. Payments to States.

Sec. 308. Residential energy assistance challenge option.

#### TITLE I—AMENDMENTS TO THE HEAD START ACT

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Head Start Amendments Act of 1998".

##### SEC. 102. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

##### "SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary."

##### SEC. 103. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) in paragraph (2)—

(i) by striking "and the Commonwealth of the Northern Mariana Islands";

(ii) by inserting "of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, also means" after "Virgin Islands"; and

(iii) by inserting "and" after "Marshall Islands";

(3) by inserting after paragraph (2) the following:

"(3) The term 'child with a disability' means—



"(A) a child with a disability, as defined in section 602(3) of the Individuals with Disabilities Education Act; and

"(B) an infant or toddler with a disability, as defined in section 632(5) of such Act.";

(4) by striking paragraph (5) (as redesignated in paragraph (1)) and inserting the following:

"(5) The term 'family literacy services' means services that—

"(A) are provided to participants who receive the services on a voluntary basis;

"(B) are of sufficient intensity, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing dependence on income-based public assistance); and

"(C) integrate each of—

"(i) interactive literacy activities between parents and their children;

"(ii) training for parents on being partners with their children in learning;

"(iii) parent literacy training, including training that contributes to economic self-sufficiency; and

"(iv) appropriate instruction for children of parents receiving the parent literacy training.";

(5) in paragraph (7) (as redesignated in paragraph (1)), by adding at the end the following: "Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law for the provision of services to such a child.";

(6) by striking paragraph (13) (as redesignated in paragraph (1)) and inserting the following:

"(13) The term 'migrant or seasonal Head Start program' means—

"(A) with respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from 1 geographic location to another in the preceding 2-year period; and

"(B) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period.";

(7) by adding at the end the following:

"(16) The term 'reliable and replicable', used with respect to research, means an objective, valid, scientific study that—

"(A) includes a rigorously defined sample of subjects, that is sufficiently large and representative to support the general conclusions of the study;

"(B) relies on measurements that meet established standards of reliability and validity;

"(C) is subjected to peer review before the results of the study are published; and

"(D) discovers effective strategies for enhancing the development and skills of children."

#### SEC. 104. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638(1) of the Head Start Act (42 U.S.C. 9833(1)) is amended—

(1) by striking "aid the" and inserting "enable the"; and

(2) by striking the semicolon and inserting "and attain school readiness";.

#### SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) in subsection (a)—

(A) by inserting "\$4,660,000,000 for fiscal year 1999 and" after "subchapter"; and

(B) by striking "1995 through 1998" and inserting "2000 through 2003"; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) for each of the fiscal years 1999 through 2003, not more than \$35,000,000 and not less than the aggregate amount made available to carry out section 642(d) of this Act and the Head Start Transition Project Act (42 U.S.C. 9855-9855g) for fiscal year 1998, to carry out activities authorized under section 642A;

"(2) not more than \$5,000,000 for each of the fiscal years 1999 through 2003 to carry out impact studies under section 649(g);

"(3) not more than \$12,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649; and

"(4) not less than \$5,000,000 for each of the fiscal years 1999 through 2003, to carry out activities authorized under section 648B."

#### SEC. 106. ALLOTMENT OF FUNDS.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and migrant" the 1st place it appears and all that follows through "handicapped children", and inserting "Head Start programs and services for children with disabilities and migrant or seasonal Head Start programs"; and

(ii) by striking "and migrant" each other place it appears and inserting "Head Start programs and by migrant or seasonal"; and

(iii) by striking "1994" and inserting "1998";

(B) in subparagraph (B) by striking "(B) payments" and all that follows through "Virgin Islands" and inserting the following:

"(B) payments, subject to paragraph (7)—

"(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States; and

"(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau;";

(C) in subparagraph (C), by striking "and" at the end;

(D) in subparagraph (D), by striking "related to the development and implementation of quality improvement plans under section 641A(d)(2).", and inserting "carried out under paragraph (1), (2), or (3) of section 641A(d) relating to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies; and";

(E) by inserting after subparagraph (D) the following:

"(E) payments for research and evaluation activities under section 649."; and

(F) by adding at the end the following: "In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children, and shall ensure that appropriate funding is provided to meet such needs.";

(2) in paragraph (3)—

(A) in subparagraph (A)(i) by striking "equal" and all that follows through "activities" and inserting "subject to subsection (m)";

(B) in subparagraph (B)—

(i) in clause (i)—

(I) by striking "adequate qualified staff" and inserting "adequate numbers of qualified staff"; and

(II) by inserting "and children with disabilities" before "when";

(iii) in clause (iv) by inserting "and to encourage the staff to continually improve their skills and expertise by informing staff of the availability of State and Federal loan forgiveness programs for professional development" before the period at the end;

(iii) in clause (v) by inserting "and collaboration efforts for such programs" before the period at the end; and

(iv) by amending clause (vi) to read as follows:

"(vi) Ensuring that such programs have adequate numbers of qualified staff that can promote language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through research that is reliable and replicable, as predictive of later reading achievement."; and

(C) in subparagraph (C)—

(i) in clause (i)(I)—

(I) by striking "of staff" and inserting "of classroom teachers and other staff"; and

(II) by striking "such staff" and inserting "qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a)";

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following:

"(II) Preferences in awarding salary increases, in excess of cost of living allowances, shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.";

(iv) by amending clause (ii) to read as follows:

"(ii) Of the amount remaining after carrying out clause (i), the highest priority shall be placed on training classroom teachers and other staff to meet the education performance standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and literacy growth, through techniques identified through reliable, replicable research;

"(II) to promote the acquisition of the English language for non-English background children and families;

"(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

"(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.";

(v) by striking clause (v);

(vi) by redesignating clause (vi) as clause (v); and

(vii) by inserting after clause (v), as so redesignated, the following:

"(vi) To carry out any or all of such activities, but none of such funds may be used for construction or renovation (including non-structural or minor structural changes).";

(D) in subparagraph (D)(i)(II) by striking "and migrant" and inserting "Head Start programs and by migrant or seasonal";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "1981" and inserting "1998";

(B) by amending subparagraph (B) to read as follows:

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age who live with families whose income is below the poverty line."; and

(C) by adding at the end the following:  
 "For each fiscal year the Secretary shall use the most recent data available on the number of children under the age of 5, from families below the poverty level that is consistent with that published for counties, by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated poverty data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall issue a report setting forth their reasons in detail.";

(4) in paragraph (5)—

(A) in subparagraph (B), by inserting before the period the following "and encourage Head Start agencies to actively collaborate with entities involved in State and local planning processes in order to better meet the needs of low-income children and families";

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting "the appropriate regional office of the Administration for Children and Families and" before "agencies";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv)—

(I) by striking "education, and national service activities," and inserting "and education and community service activities,";

(II) by striking "and activities" and inserting "activities"; and

(III) by striking the period and inserting "(including coordination with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419)), and services for homeless children"; and

(iv) by adding at the end the following:

"(v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to plan for the provision of full-working-day, full-calendar-year early care and education services for children;

"(vi) encourage local Head Start agencies to appoint a State level representative to speak on behalf of Head Start agencies within the State on collaborative efforts described in subparagraphs (B) and (D), and in clause (v); and

"(vii) encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families.";

(C) by redesignating subparagraph (D) as subparagraph (F); and

(D) by inserting after subparagraph (C) the following:

"(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants—

"(i) to States that develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

"(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

"(E)(i) The Secretary shall—

"(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal child care and early childhood education programs and resources;

"(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes, in necessary cases, to eliminate barriers to the collaboration; and

"(III) develop a mechanism to resolve administrative and programmatic conflicts between such programs that would be a barrier to service providers, parents, or children, related to the provision of unified services in the consolidation of funding for child care services

"(ii) In the case of a collaborative activity funded under this subchapter and another provision of law providing for Federal child care or early childhood education, the use of equipment and nonconsumable supplies purchased with funds made available under this subchapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under that subchapter or provision, during a period in which the activity is predominantly funded under this subchapter or such provision.";

(5) by amending paragraph (6) to read as follows:

"(6)(A) From the amounts reserved and allotted pursuant to paragraphs (2) and (4), and except as provided in subparagraph (C)(i), the Secretary shall use for grants for programs described in section 645A(a) a portion of the combined total of such amount equal to—

"(i) 7.5 percent for fiscal year 1999;

"(ii) 8 percent for fiscal year 2000;

"(iii) 8.5 percent for fiscal year 2001;

"(iv) not less than 8.5 and not more than 10 percent for fiscal year 2002; and

"(v) not less than 8.5 and not more than 10 percent for fiscal year 2003;

of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(B) If the Secretary does not submit to—

"(i) the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives; and

"(ii) to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate;

by January 1, 2001, a report on the results of the Early Head Start impact study currently being conducted by the Secretary, then the amount required to be used in accordance with subparagraph (A) for fiscal years 2002 and 2003 shall be 8.5 percent of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to use the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or negatively impacting the quality of Head Start services, relative to the number of children served and the quality of the services during the pre-

ceding fiscal year, the Secretary may reduce the percentage of funds required to be used as the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so used for the preceding fiscal year.

"(ii) For any fiscal year for which the amount appropriated under section 639(a) requires a reduction in the amount made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

"(I) the amounts made available to the entities for programs carried out under section 645A; and

"(II) the amounts made available to Head Start agencies for Head Start programs.";

and

(6) by redesignating paragraph (7) as paragraph (8); and

(7) by inserting after paragraph (6) the following:

"(7)(A) For purposes of paragraph (2)(A), in determining the need and demand for migrant or seasonal Head Start programs (and services provided through such programs), the Secretary shall consult with appropriate entities, including providers of services for migrant or seasonal Head Start programs. The Secretary shall, after taking into consideration the need and demand for migrant or seasonal Head Start programs (and such services), ensure that there is an adequate level of such services for eligible children of migrant farmworkers before approving an increase in the allocation provided for unserved eligible children of seasonal farmworkers. In serving the children of seasonal farmworkers, the Secretary shall ensure that services provided by migrant or seasonal Head Start programs do not duplicate or overlap with other Head Start services available in the same geographical area.

"(B)(i) Funds available under this subsection for payments to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out Head Start programs in accordance with this subchapter.

"(ii) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under clause (i).

"(iii) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001."

(b) CHILDREN WITH DISABILITIES.—Section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended—

(1) by striking "1982" and inserting "1999";

(2) by striking "(as defined in section 602(a) of the Individuals with Disabilities Education Act)"; and

(3) by adding at the end the following:



"Such policies and procedures shall require Head Start programs to coordinate programmatic efforts with efforts to implement part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)."

(c) INCREASED APPROPRIATIONS.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended—

(1) in paragraph (1), by inserting at the end the following: "In awarding funds to serve an increased number of children, the Secretary shall give priority to those applicants that provide full-working-day, full-calendar year Head Start services through collaboration with entities carrying out programs that are in existence on the date of the allocation and with other private, nonprofit agencies. Any such additional funds remaining may be used to make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability of Head Start programs and to serve an increased number of children.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the semicolon and inserting ", and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subparagraph);";

(B) in subparagraph (C), by striking the semicolon and inserting ", and organizations and public entities serving children with disabilities";

(C) in subparagraph (D), by striking the semicolon and inserting "and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full-calendar-year services";

(D) in subparagraph (E), by striking "program; and" and inserting "or any other early childhood program";

(E) in subparagraph (F), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

"(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

"(H) the extent to which the applicant, in providing services, will plan to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding the education services provided by such local educational agency.";

(3) in paragraph (3) by striking "In" and inserting "Subject to subsection (m), in"; and

(4) by adding at the end the following:

"(4) Notwithstanding subsection (a)(2), after taking into account subsection (a)(1), the Secretary may allocate a portion of the remaining additional funds under subsection (a)(2)(A) for the purpose of increasing funds available for activities described in such subsection."

(d) REFERENCES.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended by inserting "or seasonal" after "migrant" each place it appears.

(e) RELATIVE AVAILABILITY OF FUNDS FOR QUALITY AND FOR EXPANSION.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m)(1) After complying with the requirement in subsection (g)(1) relating to main-

taining the level of services provided during the previous year, the Secretary shall make the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation (as defined in subsection (a)(3)(ii)), available as follows:

For Fiscal Year:	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Quality Activities Under Subsection (a)(3)(C):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Expansion Activities Under Subsection (g):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available To Qualifying Head Start Programs for Quality and Expansion Activities Under Subsections (a)(3)(C) and (g):
1999	65	25	10
2000	65	25	10
2001	45	45	10
2002	45	45	10
2003	25	65	10

"(2) For purposes of paragraph (1), the term 'qualifying Head Start program' means a Head Start agency or Head Start program that is—

"(A) in compliance with the quality standards and result-based performance measures applicable under subsections (a) and (b) of section 641A;

"(B) not required under subsection (d) of such section to take a corrective action; and

"(C) making progress toward complying with requirements applicable under section 648A(a)(2).

"(3) Funds required to be made available under this subsection to qualifying Head Start programs shall be made available on the same basis as allotments are determined under subsection (a)(4)."

(f) CONFORMING AMENDMENT.—Section 644(f)(2) of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended by striking "640(a)(3)(C)(v)" and inserting "640(g)".

#### SEC. 107. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) in subsection (a) by inserting "(in consultation with the chief executive officer of the State involved, if such State expends non-Federal funds to carry out Head Start programs)" after "Secretary" the last place it appears;

(2) in subsection (b) by striking "area designated by the Bureau of Indian Affairs as near-reservation" and inserting "off-reservation area designated by an appropriate tribal government";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(ii) by striking "makes a finding" and all that follows through the period at the end, and inserting the following:

"determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 641A(a)(1), results-based performance measures described in section 641A(b), and other requirements established by the Secretary.";

(B) in paragraph (2), by inserting ", in consultation with the chief executive officer of

the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(C) by aligning the left margin of paragraphs (2) and (3) with the left margin of paragraph (1); and

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after the 1st sentence the following:

"In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures.";

(B) in paragraph (3) by inserting "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)" after "(20 U.S.C. 2741 et seq.)";

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting "(at home and in the center involved where practicable)" after "activities";

(ii) in subparagraph (D)—

(I) in clause (iii) by adding "or" at the end;

(II) by striking clause (iv); and

(III) by redesignating clause (v) as clause

(iv);

(iii) in subparagraph (E) by striking "and

(D)" and inserting "and (E)";

(iv) by redesignating subparagraphs (D) and (E) and subparagraphs (E) and (F), respectively; and

(v) by inserting after subparagraph (C) the following:

"(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome";

(D) by amending paragraph (7) to read as follows:

"(7) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language";

(E) in paragraph (8)—

(i) by striking the period at the end and inserting "; and"; and

(ii) by redesignating such paragraph as paragraph (9);

(F) by inserting after paragraph (7) the following:

"(8) the plan of such applicant to meet the needs of children with disabilities"; and

(G) by adding at the end the following:

"(10) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community.";

(5) by amending subsection (e) to read as follows:

"(e) If no agency in the community receives priority designation and if there is no qualified applicant in the community, then the Secretary shall designate an agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated."

#### SEC. 108. QUALITY STANDARDS.

(a) QUALITY STANDARDS.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", including minimum levels of overall accomplishment," after "regulation standards";

(B) in subparagraph (A), by striking "education";

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(D) by inserting after subparagraph (A) the following:

"(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

"(ii) additional school readiness performance standards (based on cognitive learning abilities) to ensure that the children participating in the program, at a minimum—

"(I) develop phonemic, print, and numeracy awareness;

"(II) understand and use oral language to communicate for different purposes;

"(III) understand and use increasingly complex and varied vocabulary;

"(IV) develop and demonstrate an appreciation of books; and

"(V) in the case of non-English background children, progress toward acquisition of the English language.";

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) in subparagraph (B)(iii) by striking "child" and inserting "early childhood education and"; and

(B) in subparagraph (C)—

(i) in clause (1)—

(I) by striking "not later than 1 year after the date of enactment of this section"; and

(II) by striking "section 651(b)" and all that follows through "section" and inserting "this subsection"; and

(ii) in subclause (ii), by striking "November 2, 1978" and inserting "the date of enactment of the Head Start Amendments Act of 1998"; and

(4) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) **PERFORMANCE MEASURES.**—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) in the heading, by inserting "RESULTS-BASED" before "PERFORMANCE";

(2) in paragraph (1)—

(A) by striking "Not later than 1 year after the date of enactment of this section, the" and inserting "The";

(B) by striking "child" and inserting "early childhood education and"; and

(C) by striking the period at the end and inserting ", and the impact of the services provided through the programs to children and their families.";

(3) in paragraph (2)—

(A) in the heading, by striking "DESIGN" and inserting "CHARACTERISTICS";

(B) in the matter preceding subparagraph (A), by striking "be designed" and inserting "include the education and school-based readiness performance standards described in subsection (a)(1)(B) and shall";

(C) in subparagraph (A), by striking "to assess" and inserting "assess the impact of";

(D) in subparagraph (B)—

(i) by striking "to";

(ii) by striking "and peer review" and inserting ", peer review, and program evaluation"; and

(iii) by inserting "not later than January 1, 1999" before the semicolon at the end; and

(E) in subparagraph (C), by inserting "be developed" before "for other";

(4) in paragraph (3)(A) by striking "and by region" and inserting ", regionally, and locally"; and

(5) by adding at the end the following:

"(4) **REQUIRED RESULTS-BASED PERFORMANCE MEASURES.**—Such results-based per-

formance measures shall ensure that such children—

"(A) know that letters of the alphabet are a special category of visual graphics that can be individually named;

"(B) recognize a word as a unit of print;

"(C) identify at least 10 letters of the alphabet; and

"(D) associate sounds with written words.

"(5) **OTHER RESULTS-BASED PERFORMANCE MEASURES.**—In addition to other applicable results-based performance measures, Head Start agencies may establish their own results-based school readiness performance measures."

(c) **MONITORING.**—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1) by inserting "and results-based performance measures" after "standards"; and

(2) in paragraph (2)

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C)—

(i) by inserting "(including children with disabilities)" after "eligible children"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed pursuant to subsection (b) and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1); and

"(E) seek information from the community and the State about the performance of the program and its efforts to collaborate with other entities carrying out early childhood education and child care programs in the community."

(d) **TERMINATION.**—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "or results-based performance measures described in subsection (b)" after "subsection (a)"; and

(B) by amending subparagraph (B) to read as follows:

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

"(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency) to comply with the requirements of paragraph (2) concerning a quality improvement plan; and"; and

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking "immediately" and inserting "immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)".

(e) **REPORT.**—Section 641A(e) of the Head Start Act (42 U.S.C. 9836a(e)) is amended by adding at the end the following: "Such report shall be widely disseminated and available for public review in both written and electronic formats."

## SEC. 109. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) and subparagraphs (D) and (E), respectively;

(B) in paragraph (8) by striking "and" at the end;

(C) in paragraph (9) by striking the period at the end and inserting "; and";

(D) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(E) by inserting after paragraph (5) the following:

"(6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;"; and

(F) by adding at the end the following:

"(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services for purposes of establishing paternity and acquiring child support;

"(B) refer eligible parents to the child support offices of State and local governments; and

"(C) establish referral arrangements with such offices.";

(2) in subsection (c)—

(A) by inserting "and collaborate" after "coordinate";

(B) by inserting "and part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)" after "(20 U.S.C. 2741 et seq.)"; and

(C) by striking "section 402(g) of the Social Security Act, and other" and inserting "the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "carry out" and all that follows through "maintain" and inserting "take steps to ensure, to the maximum extent possible, that children maintain";

(ii) by inserting "and educational" after "developmental"; and

(iii) by striking "to build" and inserting "build";

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

## SEC. 110. HEAD START TRANSITION.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642 the following:

### "SEC. 642A. HEAD START TRANSITION.

"Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;



"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

"(4) organizing and participating in joint transition-related training of school staff and Head Start staff;

"(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

"(7) linking the services provided in such program with the education services provided by such local education agency."

#### SEC. 111. SUBMISSION OF PLANS TO GOVERNORS.

The first sentence of section 643 of the Head Start Act (42 U.S.C. 9838) is amended—

(1) by striking "30 days" and inserting "45 days";

(2) by striking "so disapproved" and inserting "disapproved for reasons other than failure to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State"; and

(3) by inserting before the period "as evidenced by a written statement of the Secretary's findings transmitted to such officer".

#### SEC. 112. PARTICIPATION IN HEAD START PROGRAMS.

Section 645(a) of the Head Start Act (42 U.S.C. 9840(a)) is amended—

(1) in the last sentence of paragraph (1)—

(A) by striking "provide (A) that" and inserting the following:

"provide—

"(A) that"; and

(B) by amending subparagraph (B) to read as follows:

"(B) pursuant to such regulations as the Secretary shall prescribe, that programs assisted under this subchapter may—

"(i) include a child who has been determined to meet the low-income criteria and who is participating in a Head Start program in a program year shall be considered to continue to meet the low-income criteria through the end of the succeeding program year. In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the low-income criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application;

"(ii) permit not more than 25 percent of the children enrolled in a Head Start program to be children (without counting children with disabilities) whose family income does not exceed 140 percent of the poverty line if the Head Start agency carrying out such program—

"(I) has a community needs assessment that demonstrates a need to provide Head Start services to more of such children who are members of families with incomes that exceed the poverty line but do not exceed 140 percent of the poverty line; and

"(II) ensures that, as a result of enrolling a greater percentage of children described in this clause, there will not be a reduction in, or denial of, Head Start services to children who are eligible under subparagraph (A);

"(iii) subject to the approval of the Secretary, permit such Head Start agency that demonstrates to the Secretary that it has made reasonable efforts to enroll children eligible under subparagraph (A) in the Head Start program carried out by such agency, to charge participation fees for children described in clause (ii), consistent with the sliding fee schedule established by the State under section 658E(c)(5) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858(c)(5)).";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) A Head Start agency that provides a Head Start program with full-working-day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the partnership. The copayment shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity."

#### SEC. 113. EARLY HEAD START PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

(a) PROGRAM.—Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—

(1) in the section heading, by inserting "EARLY HEAD START" before "PROGRAMS FOR";

(2) in subsection (a)—

(A) in paragraph (1) by striking "; and" and inserting a period;

(B) by striking paragraph (2); and

(C) by striking "for—" and all that follows through "(1)", and inserting "for";

(3) in subsection (b)—

(A) in paragraph (5), by inserting "(including programs for infants and toddlers with disabilities)" after "community";

(B) in paragraph (7) by striking "and" at the end;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

"(8) ensure formal linkages with the agencies described in section 644(b) of the Individuals With Disabilities Education Act Amendments of 1997 and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and"

(4) in subsection (c)—

(A) by striking "(a)(1)" and inserting "(a)"; and

(B) in paragraph (2), by striking "(or under" and all that follows through "(e)(3)";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "and" at the end;

(B) by striking paragraph (2); and

(C) in paragraph (3) by redesignating such paragraph as paragraph (2);

(6) by striking subsection (e);

(7) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(8) in subsection (e) (as redesignated in paragraph (7))—

(A) in the subsection heading, by striking "OTHER"; and

(B) by striking "From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e)," and inserting "From the portion specified in section 640(a)(6),";

(9) by striking subsection (h); and

(10) by adding at the end the following:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

"(B) ACTIVITIES.—Funds in the account may be used for purposes including—

"(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(iii) providing ongoing training and technical assistance for existing recipients of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants; and

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience."

(b) CONFORMING AMENDMENT.—Section 640(a)(5)(F) of the Head Start Act (42 U.S.C. 9835(a)(5)(F)), as so redesignated by section 106, is amended by striking "section 645(a)(1)(A)" and inserting "section 645(a)".

#### SEC. 114. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full-calendar-year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration."; and

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) give priority consideration to—

"(A) activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

"(B) assisting Head Start agencies in—

"(i) ensuring the school readiness of children; and

"(ii) meeting the education and school readiness performance standards described in this subchapter;"

(B) in paragraph (2) by inserting "supplement amounts provided under section 640(a)(3)(C)(ii)," after "(2)";

(C) in paragraph (4)—

(i) by inserting "and implementing" after "developing"; and

(ii) by striking "a longer day" and inserting the following: "the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full-calendar-year services for children";

(D) in paragraph (7), by striking "and" at the end;

(E) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively; and

(F) by inserting after paragraph (2) the following:

"(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

"(4) assist classroom and non-classroom staff, including individuals in management and leadership capacities, to understand the components of effective family literacy services, gain knowledge about proper implementation of such services within a Head Start program, and receive assistance to achieve successful collaboration agreements with other service providers that allow the effective integration of family literacy services with the Head Start program;"

#### SEC. 115. PROFESSIONAL REQUIREMENTS.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) by amending subsection (a) to read as follows:

"(a) CLASSROOM TEACHERS.—

"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving readiness of children for school by developing their literacy and phonemic, print, and numeracy awareness, their understanding and use of oral language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books and their problem solving abilities;

"(B) establishing and maintaining a safe, healthy learning environment;

"(C) supporting the social and emotional development of children; and

"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

"(2) DEGREE REQUIREMENTS.—The Secretary shall ensure that not later than September 30, 2003, at least 50 percent of all Head Start classrooms in a center-based program are assigned 1 teacher who has an associate, baccalaureate, or an advanced degree in early childhood education or development and shall require Head Start agencies to demonstrate continuing progress each year to reach that result. In the remaining balance of such classrooms, there shall be assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of

the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential; or

"(C) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(3) ASSESSMENT.—Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in paragraph (1)(A)."; and

(2) in subsection (b)(2)(B)—

(A) by striking "staff," and inserting "staff or"; and

(B) by striking "or that" and all that follows through "families".

#### SEC. 116. FAMILY LITERACY SERVICES.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 648A the following:

##### "SEC. 648B. FAMILY LITERACY SERVICES.

"From funds reserved under section 639(b)(4), the Secretary—

"(1) shall provide grants through a competitive process, based upon the quality of the family literacy service proposal and taking into consideration geographic and urban/rural representation, for not more than 100 Head Start agencies to initiate provision of family literacy services through collaborative partnerships with entities that provide adult education services, entities carrying out Even Start programs under part B of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 274 et seq.), or entities that provide other services deemed necessary for the provision of family literacy services; and

"(2) may—

"(A) provide training and technical assistance to Head Start agencies that already provide family literacy services;

"(B) designate as mentor programs, and provide financial assistance to, Head Start agencies that demonstrate effective implementation of family literacy services, based on improved outcomes of children and their parents, to enable such agencies to provide training and technical assistance to other agencies that seek to implement, or improve implementation of, family literacy services; and

"(C) award grants or make other assistance available to facilitate training and technical assistance to programs for development of collaboration agreements with other service providers.

In awarding such grants or assistance, the Secretary shall give special consideration to an organization that has experience in the development and operation of successful family literacy services."

#### SEC. 117. RESEARCH AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) in subsection (d)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7) by striking the period at the end and inserting "; and";

(C) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(D) by inserting after paragraph (1) the following:

"(2) over a 5-year period, lead to the development and rigorous evaluation of models for the integration of family literacy services with Head Start programs, that demonstrate the ability to make positive gains for children participating in Head Start programs and their parents, and dissemination of information about such models;" and

(E) by adding at the end the following:

"(9) study the experiences of small, medium, and large States with Head Start programs in order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—

"(A) may include the use of a data set that existed prior to the initiation of the study; and

"(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children.

The Secretary shall ensure that an appropriate entity carries out a study described in paragraph (9), and prepares and submits to the appropriate committees of the Congress a report containing the results of the study, not later than September 30, 2002." and

(2) by adding at the end the following:

"(g) NATIONAL HEAD START IMPACT RESEARCH.—

"(1) ANALYSES OF DATA BASES.—The Secretary shall obtain analyses of the following existing databases to guide the evaluation recommendations of the expert panel appointed under paragraph (2) and to provide Congress with initial reports of potential Head Start outcomes—

"(A) by use of The Survey of Income and Program Participation (SIPP) conduct an analysis of the different income levels of Head Start participants compared to comparable persons who did not attend Head Start;

"(B) by use of The National Longitudinal Survey of Youth (NLSY) which began gathering data on children who attended Head Start from 1988 on, examine the wide range of outcomes measured within the Survey, including cognitive, socio-emotional, behavioral, and academic development;

"(C) by use of The Survey of Program Dynamics, the new longitudinal survey required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to begin annual reporting, through the duration of the Survey, on Head Start attendees' academic readiness performance and improvements; and

"(D) to ensure that The Survey of Program Dynamics be linked with the NLSY at least once by the use of a common performance test, to be determined by the expert panel, for the greater national usefulness of the NLSY database.

"(2) EXPERT PANEL.—

"(A) IN GENERAL.—The Secretary shall appoint an independent panel consisting of experts in program evaluation and research, education, and early childhood programs—

"(i) to review, and make recommendations on, the design and plan for the research (whether conducted as a single assessment or as a series of assessments), described in paragraph (3), within 1 year after the date of enactment of the Human Services Reauthorization Act of 1998;

"(ii) to maintain and advise the Secretary regarding the progress of the research; and

"(iii) to comment, if the panel so desires, on the interim and final research reports submitted under paragraph (8).

"(B) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for



the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

“(3) GENERAL AUTHORITY.—After reviewing the recommendations of the expert panel the Secretary shall enter into a grant, contract, or cooperative agreement with an organization to conduct independent research that provides a national analysis of the impact of Head Start programs. The Secretary shall ensure that the organization shall have expertise in program evaluation, and research, education, and early childhood programs.

“(4) DESIGNS AND TECHNIQUES.—The Secretary shall ensure that the research uses rigorous methodological designs and techniques (based on the recommendations of the expert panel), including longitudinal designs, control groups, nationally recognized standardized measures, and random selection and assignment, as appropriate. The Secretary may provide that the research shall be conducted as a single comprehensive assessment or as a group of coordinated assessments designed to provide, when taken together, a national analysis of the impact of Head Start programs.

“(5) PROGRAMS.—The Secretary shall ensure that the research focuses primarily on Head Start programs that operate in the several States, the Commonwealth of Puerto Rico, or the District of Columbia and that do not specifically target special populations.

“(6) ANALYSIS.—The Secretary shall ensure that the organization conducting the research—

“(A)(i) determines if, overall, the Head Start programs have impacts consistent with their primary goal of increasing the social competence of children, by increasing the everyday effectiveness of the children in dealing with their present environments and future responsibilities, and increasing their school readiness;

“(ii) considers whether the Head Start programs—

“(I) enhance the growth and development of children in cognitive, emotional, and physical health areas;

“(II) strengthen families as the primary nurturers of their children; and

“(III) ensure that children attain school readiness; and

“(iii) examines—

“(I) the impact of the Head Start programs on increasing access of children to such services as educational, health, and nutritional services, and linking children and families to needed community services; and

“(II) how receipt of services described in subclause (I) enriches the lives of children and families participating in Head Start programs;

“(B) examines the impact of Head Start programs on participants on the date the participants leave Head Start programs, at the end of kindergarten, and at the end of first grade, by examining a variety of factors, including educational achievement, referrals for special education or remedial course work, and absenteeism;

“(C) makes use of random selection from the population of all Head Start programs described in paragraph (5) in selecting programs for inclusion in the research; and

“(D) includes comparisons of individuals who participate in Head Start programs with control groups (including comparison groups) composed of—

“(i) individuals who participate in other early childhood programs (such as preschool programs and day care); and

“(ii) individuals who do not participate in any other early childhood program.

“(7) CONSIDERATION OF SOURCES OF VARIATION.—In designing the research, the Secretary shall, to the extent practicable, consider addressing possible sources of variation in impact of Head Start programs, including variations in impact related to such factors as—

“(A) Head Start program operations;

“(B) Head Start program quality;

“(C) the length of time a child attends a Head Start program;

“(D) the age of the child on entering the Head Start program;

“(E) the type of organization (such as a local educational agency or a community action agency) providing services for the Head Start program;

“(F) the number of hours and days of program operation of the Head Start program (such as whether the program is a full-working-day full-calendar-year program, a part-day program or a part-year program); and

“(G) other characteristics and features of the Head Start program (such as geographic location, location in an urban or a rural service area, or participant characteristics), as appropriate.

“(8) REPORTS.—

“(A) SUBMISSION OF INTERIM REPORTS.—The organization shall prepare and submit to the Secretary 2 interim reports on the research. The first interim report shall describe the design of the research, and the rationale for the design, including a description of how potential sources of variation in impact of Head Start programs have been considered in designing the research. The second interim report shall describe the status of the research and preliminary findings of the research, as appropriate.

“(B) SUBMISSION OF FINAL REPORT.—The organization shall prepare and submit to the Secretary a final report containing the findings of the research.

“(C) TRANSMITTAL OF REPORTS TO CONGRESS.—

“(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

“(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

“(9) DEFINITION.—In this subsection, the term ‘impact’, used with respect to a Head Start program, means a difference in an outcome for a participant in the program that would not have occurred without the participation in the program.

“(h) QUALITY IMPROVEMENT STUDY.—

“(1) STUDY.—The Secretary shall conduct a study regarding the use and effects of use of the quality improvement funds made available under section 640(a)(3) since fiscal year 1991.

“(2) REPORT.—The Secretary shall prepare and submit to Congress not later than September 2000 a report containing the results of the study, including—

“(A) the types of activities funded with the quality improvement funds;

“(B) the extent to which the use of the quality improvement funds has accomplished the goals of section 640(a)(3)(B); and

“(C) the effect of use of the quality improvement funds on teacher training, salaries, benefits, recruitment, and retention.”

#### SEC. 118. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) by inserting “(a) STATUS OF CHILDREN.—” before “At”;

(2) by striking “and Labor” each place it appears and inserting “and the Workforce”;

(3) in paragraph (14) by striking “and seasonal” and inserting “or seasonal”; and

(4) by adding at the end the following:

“(b) FACILITIES.—At least once during every 5-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the condition, location, and ownership of facilities used, or available to be used, by Indian Head Start agencies.”

#### SEC. 119. REPEAL OF CONSULTATION REQUIREMENT.

Section 657A of the Head Start Act (42 U.S.C. 9852a) is repealed.

#### SEC. 120. REPEAL OF HEAD START TRANSITION PROJECT ACT.

The Head Start Transition Project Act (42 U.S.C. 9855-9855g) is repealed.

#### SEC. 121. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall not apply with respect to any fiscal year ending before October 1, 1998.

#### TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

##### SEC. 201. SHORT TITLE.

This title may be cited as the “Community Services Authorization Act of 1998”.

##### SEC. 202. REAUTHORIZATION.

The heading for subtitle B, and sections 671 through 680, of the Community Services Block Grant Act (42 U.S.C. 9901-9909) are amended to read as follows:

#### “Subtitle B—Community Services Block Grant Program

##### “SEC. 671. SHORT TITLE.

“This subtitle may be cited as the ‘Community Services Block Grant Act’.

##### “SEC. 672. PURPOSES AND GOALS.

“The purpose of this subtitle is to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)). Such goals may be accomplished through—

“(1) the strengthening of community capabilities for planning, coordinating, and utilizing a broad range of Federal, State, local, and private resources for the elimination of poverty, and for helping individuals and families achieve self-sufficiency;

“(2) greater use of innovative and effective, community-based approaches to attacking the causes and effects of poverty and of community breakdown;

"(3) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grant to empower such individuals to respond to the unique problems and needs within their communities; and

"(4) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role for private, faith-based, charitable, and neighborhood organizations in the provision of services as well as individual citizens, business, labor, and professional groups who are able to influence the quantity and quality of opportunities and services for the poor.

#### **"SEC. 673. DEFINITIONS.**

"In this subtitle:

"(1) **ELIGIBLE ENTITY.**—The term 'eligible entity' means an entity—

"(A) that is an eligible entity described in section 673(1) (as in effect on the day before the date of enactment of the Human Services Reauthorization Act of 1998) as of such date of enactment or is designated by the process described in section 676A (including an organization serving migrant or seasonal farmworkers that is so described or designated); and

"(B) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.

"(2) **POVERTY LINE.**—The term 'poverty line' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census. The Secretary shall revise the poverty line annually (or at any shorter interval the Secretary determines to be feasible and desirable) which shall be used as a criterion of eligibility in the community services block grant program established under this subtitle. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index for All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever a State determines that it serves the objectives of the block grant program established under this subtitle, the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

"(3) **PRIVATE, NONPROFIT ORGANIZATION.**—The term 'private, nonprofit organization' includes a faith-based organization, to which the provisions of section 679 shall apply.

"(4) **SECRETARY.**—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) **STATE.**—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, includes the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

#### **"SEC. 674. AUTHORIZATION OF APPROPRIATIONS.**

"(a) **IN GENERAL.**—There are authorized to be appropriated \$535,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003 to carry out the provisions of this subtitle (other than sections 681 and 682).

"(b) **RESERVATIONS.**—Of the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

"(1)  $\frac{1}{2}$  of 1 percent for carrying out section 675A (relating to payments for territories);

"(2) 1  $\frac{1}{2}$  percent for activities authorized in sections 678A through 678F, of which—

"(A) not less than  $\frac{1}{2}$  of the amount reserved by the Secretary under this paragraph shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities, as required under section 678A(c) for the purpose of carrying out activities described in section 678A; and

"(B)  $\frac{1}{2}$  of the remainder of the amount reserved by the Secretary under this paragraph shall be used to carry out monitoring, evaluation, and corrective activities described in sections 678B(c) and 678A; and

"(3) not more than 9 percent for carrying out section 680 (relating to discretionary activities).

#### **"SEC. 675. ESTABLISHMENT OF BLOCK GRANT PROGRAM.**

"The Secretary is authorized to establish a community services block grant program and make grants through the program to States to ameliorate the causes of poverty in communities within the States.

#### **"SEC. 675A. DISTRIBUTION TO TERRITORIES.**

"(a) **APPORTIONMENT.**—The Secretary shall apportion the amount reserved under section 674(b)(1)—

(1) for each fiscal year on the basis of need among Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands; and

(2) for fiscal years ending before October 1, 2001, and subject to subsection (c), on the basis of need among the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(b) **APPLICATION.**—Each jurisdiction to which subsection (a) applies may receive a grant under this subtitle for the amount apportioned under subsection (a) on submitting to the Secretary, and obtaining approval of, an application containing provisions that describe the programs for which assistance is sought under this subtitle, and that are consistent with the requirements of section 676.

"(c) **LIMITATION.**—(1) Funds apportioned under subsection (a) for the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out programs in accordance with this subtitle.

"(2) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under paragraph (1).

"(3) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

#### **"SEC. 675B. ALLOTMENTS AND PAYMENTS TO STATES.**

"(a) **ALLOTMENTS IN GENERAL.**—The Secretary shall, from the amount appropriated under section 674(a) for each fiscal year that remains after the Secretary makes the reservations required in section 674(b), allot to each State, subject to section 677, an amount that bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 221 of the Economic Opportunity Act of 1964 bore to

the total amount received by all States for fiscal year 1981 under such section, except that no State shall receive less than  $\frac{1}{4}$  of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

#### **"(b) ALLOTMENTS IN YEARS WITH GREATER AVAILABLE FUNDS.—**

"(1) **MINIMUM ALLOTMENTS.**—Subject to paragraphs (2) and (3), if the amount appropriated under section 674(a) for a fiscal year that remains after the Secretary makes the reservations required in section 674(b) exceeds \$345,000,000, the Secretary shall allot to each State not less than  $\frac{1}{2}$  of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(2) **MAINTENANCE OF FISCAL YEAR 1990 LEVELS.**—Paragraph (1) shall not apply with respect to a fiscal year if the amount allotted under subsection (a) to any State for that year is less than the amount allotted under subsection (a) to such State for fiscal year 1990.

"(3) **MAXIMUM ALLOTMENTS.**—The amount allotted under paragraph (1) to a State shall be reduced for a fiscal year, if necessary, so that the aggregate amount allotted to such State under such paragraph and subsection (a) does not exceed 140 percent of the aggregate amount allotted to such State under the corresponding provisions of this subtitle for the fiscal year preceding the fiscal year for which a determination is made under this subsection.

"(c) **ALLOTMENT OF ADDITIONAL FUNDS.**—Notwithstanding subsections (a) and (b), in any fiscal year in which the amount appropriated under section 674(a) exceeds the amount appropriated under such section for fiscal year 1999, such excess shall be allotted among the States proportionately based on—

"(1) the number of public assistance recipients in the respective States;

"(2) the number of unemployed individuals in the respective States; and

"(3) the number of individuals with incomes below the poverty line in the respective States.

"(d) **PAYMENTS.**—The Secretary shall make payments to eligible States from the allotments made under this section. The Secretary shall make payments for the grants in accordance with section 6503(a) of title 31, United States Code.

"(e) **DEFINITION.**—For purposes of this section, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

#### **"SEC. 675C. USES OF FUNDS.**

"(a) **GRANTS TO LOCAL ELIGIBLE ENTITIES AND OTHER ORGANIZATIONS.—**

"(1) **IN GENERAL.**—Not less than 90 percent of the funds allotted to a State under section 675B shall be used by the State to make grants for the purposes described in section 672 to eligible entities.

"(2) **OBLIGATIONAL AUTHORITY.**—Funds distributed to eligible entities through grants made in accordance with paragraph (1) for a fiscal year shall be available for obligation during that fiscal year and the succeeding fiscal year, in accordance with paragraph (3).

"(3) **RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.—**

"(A) **AMOUNT.**—Beginning on October 1, 2000, a State may recapture and redistribute funds distributed to an eligible entity through a grant made under paragraph (1) that are unobligated at the end of a fiscal year if such unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year.

"(B) **REDISTRIBUTION.**—In redistributing funds recaptured in accordance with this



paragraph, States shall redistribute such funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of this subtitle.

**"(b) STATEWIDE ACTIVITIES.—**

**"(1) USE OF REMAINDER.—**If a State uses less than 100 percent of the State allotment to make grants under subsection (a), the State shall use the remainder of the allotment (subject to paragraph (2)) for activities which may include—

**"(A)** providing training and technical assistance to those entities in need of such training and assistance;

**"(B)** coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities and other organizations funded under this subtitle, including detaching appropriate employees of State or local agencies to entities funded under this subtitle, to ensure increased access to services provided by such State or local agencies;

**"(C)** supporting statewide coordination and communication among eligible entities;

**"(D)** analyzing the distribution of funds made available under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need;

**"(E)** supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;

**"(F)** supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization;

**"(G)** supporting other activities, consistent with the purposes of this subtitle; and

**"(H)** State charity tax credits as described in subsection (c).

**"(2) ADMINISTRATIVE CAP.—**No State may spend more than the greater of \$55,000, or 5 percent, of the State's allotment received under section 675B for administrative expenses, including monitoring activities. Funds to be spent for such expenses shall be taken from the portion of the State allotment that remains after the State makes grants to eligible entities under subsection (a).<sup>1</sup> The cost of activities conducted under paragraph (1)(A) shall not be considered to be administrative expenses.

**"(c)(1)** Subject to paragraph (2), if there is in effect under State law a charity tax credit, then the State may use for any purpose the amount of the allotment that is available for expenditure under subsection (b).

**"(2)** The aggregate amount a State may use under paragraph (1) during a fiscal year shall not exceed 100 percent of the revenue loss of the State during the fiscal year that is attributable to the charity tax credit, as determined by the Secretary of the Treasury without regard to any such revenue loss occurring before January 1, 1999.

**"(3) For purposes of this subsection:**

**"(A) CHARITY TAX CREDIT.—**The term 'charity tax credit' means a nonrefundable credit against State income tax (or, in the case of a State which does not impose an income tax, a comparable benefit) which is allowable for contributions, in cash or in kind, to qualified charities.

**"(B) QUALIFIED CHARITY.—**

**"(i) IN GENERAL.—**The term 'qualified charity' means any organization—

**"(I)** which is—

**"(aa)** described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

**"(bb)** a community action agency as defined in the Economic Opportunity Act of 1964; or

**"(cc)** a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437A(b)(6));

**"(II)** which is certified by the appropriate State authority as meeting the requirements of clauses (iii) and (iv); and

**"(III)** if such organization is otherwise required to file a return under section 6033 of such Code, which elects to treat the information required to be furnished by clause (v) as being specified in section 6033(b) of such Code.

**"(ii) CERTAIN CONTRIBUTIONS TO COLLECTION ORGANIZATIONS TREATED AS CONTRIBUTIONS TO QUALIFIED CHARITY.—**

**"(I) IN GENERAL.—**A contribution to a collection organization shall be treated as a contribution to a qualified charity if the donor designates in writing that the contribution is for the qualified charity.

**"(II) COLLECTION ORGANIZATION.—**The term 'collection organization' means an organization described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code—

**"(aa)** which solicits and collects gifts and grants which, by agreement, are distributed to qualified charities described in clause (i);

**"(bb)** which distributes to qualified charities described in clause (i) at least 90 percent of the gifts and grants it receives that are designated for such qualified charities; and

**"(cc)** which meets the requirements of clause (vi).

**"(iii) CHARITY MUST PRIMARILY ASSIST POOR INDIVIDUALS.—**

**"(I) IN GENERAL.—**An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the predominant activity of such organization will be the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget) in order to prevent or alleviate poverty among such individuals and families.

**"(II) NO RECORDKEEPING IN CERTAIN CASES.—**An organization shall not be required to establish or maintain records with respect to the incomes of individuals and families for purposes of subclause (I) if such individuals or families are members of groups which are generally recognized as including substantially only individuals and families described in subclause (I).

**"(III) FOOD AID AND HOMELESS SHELTERS.—**Except as otherwise provided by the appropriate State authority, for purposes of subclause (I), services to individuals in the form of—

**"(aa)** donations of food or meals; or

**"(bb)** temporary shelter to homeless individuals;

shall be treated as provided to individuals described in subclause (I) if the location and operation of such services are such that the service provider may reasonably conclude that the beneficiaries of such services are predominantly individuals described in subclause (I).

**"(iv) MINIMUM EXPENSE REQUIREMENT.—**

**"(I) IN GENERAL.—**An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the annual poverty program ex-

penses of such organization will not be less than 75 percent of the annual aggregate expenses of such organization.

**"(II) POVERTY PROGRAM EXPENSE.—**For purposes of subclause (I)—

**"(aa) IN GENERAL.—**The term 'poverty program expense' means any expense in providing program services referred to in clause (iii).

**"(bb) EXCEPTIONS.—**Such term shall not include any management or general expense, any expense for the purpose of influencing legislation (as defined in section 4911(d) of the Internal Revenue Code of 1986), any expense for the purpose of fundraising, any expense for a legal service provided on behalf of any individual referred to in clause (iii), any expense for providing tuition assistance relating to compulsory school attendance, and any expense which consists of a payment to an affiliate of the organization.

**"(v) REPORTING REQUIREMENT.—**The information required to be furnished under this clause is—

**"(i)** the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services, management expenses, general expenses, fundraising expenses, and payments to affiliates; and

**"(ii)** the category or categories (including food, shelter, education, substance abuse, job training, or otherwise) of services which constitute its predominant activities.

**"(vi) ADDITIONAL REQUIREMENTS FOR COLLECTION ORGANIZATIONS.—**The requirements of this clause are met if the organization—

**"(I)** maintains separate accounting for revenues and expenses; and

**"(II)** makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

**"(vii) SPECIAL RULE FOR STATES REQUIRING TAX UNIFORMITY.—**In the case of a State—

**"(I)** which has a constitutional requirement of tax uniformity; and

**"(II)** which, as of December 31, 1997, imposed a tax on personal income with—

**"(aa)** a single flat rate applicable to all earned and unearned income (except insofar as any amount is not taxed pursuant to tax forgiveness provisions); and

**"(bb)** no generally available exemptions or deductions to individuals;

the requirement of paragraph (2) shall be treated as met if the amount of the credit is limited to a uniform percentage (but not greater than 25 percent) of State personal income tax liability (determined without regard to credits).

**"(4)** No part of the aggregate amount a State uses under paragraph (1) may be used to supplant non-Federal funds that would be available, in the absence of Federal funds, to offset a revenue loss of the State attributable to a charity tax credit.

**"SEC. 676. APPLICATION AND PLAN.**

**"(a) DESIGNATION OF LEAD AGENCY.—**

**"(1) DESIGNATION.—**The chief executive officer of a State desiring to receive an allotment under this subtitle shall designate, in an application submitted to the Secretary under subsection (b), an appropriate State agency that complies with the requirements of paragraph (2) to act as a lead agency for purposes of carrying out State activities under this subtitle.

**"(2) DUTIES.—**The lead agency shall—

**"(A)** develop the State plan to be submitted to the Secretary under subsection (b);

"(B) in conjunction with the development of the State plan as required under subsection (b), hold at least 1 hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment for the period covered by the State plan; and

"(C) conduct reviews of eligible entities under section 678B.

"(3) **LEGISLATIVE HEARING.**—The State shall hold at least 1 legislative hearing every 3 years in conjunction with the development of the State plan.

"(b) **STATE APPLICATION AND PLAN.**—Beginning with fiscal year 2000, to be eligible to receive an allotment under this subtitle, a State shall prepare and submit to the Secretary an application and State plan covering a period of not less than 1 fiscal year and not more than 2 fiscal years. The plan shall be submitted not later than 30 days prior to the beginning of the first fiscal year covered by the plan, and shall contain such information as the Secretary shall require, including—

"(1) an assurance that funds made available through the allotment will be used to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under title IV of the Social Security Act, homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals—

"(A) to remove obstacles and solve problems that block the achievement of self-sufficiency (particularly for families and individuals who are attempting to transition off a State program carried out under title IV of the Social Security Act);

"(B) to secure and retain meaningful employment;

"(C) to attain an adequate education with particular attention toward improving literacy skills of the low-income families in the community, which may include family literacy initiatives;

"(D) to make better use of available income;

"(E) to obtain and maintain adequate housing and a suitable living environment;

"(F) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent individual and family needs;

"(G) to achieve greater participation in the affairs of the community, including activities that strengthen and improve the relationship with local law enforcement agencies, which may include activities such as neighborhood or community policing efforts;

"(H) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to prevention of youth problems and crime, promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs, which may include after-school child care programs; and

"(I) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts);

"(2) a description of how the State intends to use discretionary funds made available from the remainder of the allotment described in section 675C(b) in accordance with

this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle;

"(3) based on information provided by eligible entities in the State, a description of—

"(A) the service delivery system, for services provided or coordinated with funds made available through the allotment, targeted to low-income individuals and families in communities within the State;

"(B) a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations;

"(C) a description of how funds made available through the allotment will be coordinated with other public and private resources; and

"(D) a description of how the funds will be used to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle which may include fatherhood and other initiatives with the goal of strengthening families and encouraging parental responsibility;

"(4) an assurance that local eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals;

"(5) an assurance that the State and the local eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services (including a description of how the State and the local eligible entities will coordinate with State and local workforce investment systems in the provision of employment and training services in the State and in local communities);

"(6) an assurance that the State will ensure coordination between antipoverty programs in each community, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community;

"(7) an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D;

"(8) an assurance that any eligible entity that received funding in the previous fiscal year under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b);

"(9) an assurance that local eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including faith-based organizations, charitable groups, and community organizations;

"(10) an assurance that the State will require each eligible entity to establish procedures under which a low-income individual, community organization, or faith-based organization, or representative of low-income

individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation;

"(11) an assurance that the State will secure from each eligible entity, as a condition to receipt of funding by the entity under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;

"(12) an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system established pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization; and

"(13) information describing how the State will carry out the assurances described in this subsection.

"(c) **FUNDING TERMINATION OR REDUCTIONS.**—For purposes of making a determination in accordance with subsection (b)(8) with respect to—

"(1) a funding reduction, the term 'cause' includes—

"(A) a statewide redistribution of funds provided under this subtitle to respond to—

"(i) the results of the most recently available census or other appropriate data;

"(ii) the designation of a new eligible entity; or

"(iii) severe economic dislocation; or

"(B) the failure of an eligible entity to comply with the terms of an agreement to provide services under this subtitle; and

"(2) a termination, the term 'cause' includes the material failure of an eligible entity to comply with the terms of such an agreement and the State plan to provide services under this subtitle or the consistent failure of the entity to achieve performance measures as determined by the State.

"(d) **PROCEDURES AND INFORMATION.**—The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this subtitle.

"(e) **REVISIONS AND INSPECTION.**—

"(1) **REVISIONS.**—The chief executive officer of each State may revise any plan prepared under this section and shall submit the revised plan to the Secretary.

"(2) **PUBLIC INSPECTION.**—Each plan or revised plan prepared under this section shall be made available for public inspection within the State in such a manner as will facilitate review of, and comment on, the plan.

"**SEC. 676A. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS.**

"(a) **QUALIFIED ORGANIZATION IN OR NEAR AREA.**—

"(1) **IN GENERAL.**—If any geographic area of a State is not, or ceases to be, served by an eligible entity under this subtitle, and if the chief executive officer of the State decides to serve such area, the chief executive officer may solicit applications from, and designate as an eligible entity—

"(A) a private nonprofit eligible entity located in an area contiguous to or within reasonable proximity of the unserved area that



is already providing related services in the unserved area; or

"(B) a private nonprofit organization that is geographically located in the unserved area that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency and that meets the requirements of this subtitle.

"(2) REQUIREMENT.—In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

"(A) in each of the 3 required categories described in subparagraphs (A), (B), and (C) of section 676B(a)(2), by members that reside in the community comprised by the unserved area; and

"(B) in the category described in section 676B(a)(2), by members that reside in the neighborhood served.

"(b) SPECIAL CONSIDERATION.—In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to local eligible entities that are already providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

"(c) NO QUALIFIED ORGANIZATION IN OR NEAR AREA.—If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).

#### "SEC. 676B. TRIPARTITE BOARDS.

"(a) PRIVATE NONPROFIT ENTITIES.—

"(1) BOARD.—In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development and implementation of the program to serve low-income communities or groups.

"(2) SELECTION AND COMPOSITION OF BOARD.—The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

"(A)  $\frac{1}{3}$  of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of elected officials reasonably available and willing to serve on the board is less than  $\frac{1}{3}$  of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such  $\frac{1}{3}$  requirement;

"(B) not fewer than  $\frac{1}{3}$  of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served;

"(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served; and

"(D) each representative of low-income individuals and families selected to represent a specific neighborhood within a community

under subparagraph (B) resides in the neighborhood represented by the member.

"(b) PUBLIC ORGANIZATIONS.—In order for a public organization to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through—

"(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than  $\frac{1}{3}$  of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

"(A) are representative of low-income individuals and families in the neighborhood served;

"(B) reside in the neighborhood served; and

"(C) are able to participate actively in the planning and implementation of programs funded under this subtitle; or

"(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the planning, administration, and evaluation of programs funded under this subtitle.

#### "SEC. 677. PAYMENTS TO INDIAN TRIBES.

"(a) RESERVATION.—If, with respect to any State, the Secretary—

"(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and

"(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle, the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).

"(b) DETERMINATION OF RESERVED AMOUNT.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance under this subtitle in such State.

"(c) AWARDS.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(d) PLAN.—In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

"(e) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' mean a tribe, band, or other organized group of Indians recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

"(2) INDIAN.—The term 'Indian' means a member of an Indian tribe or of a tribal organization.

#### "SEC. 678. OFFICE OF COMMUNITY SERVICES.

"(a) OFFICE.—The Secretary shall carry out the functions of this subtitle through an Office of Community Services, which shall be established in the Department of Health and

Human Services. The Office shall be headed by a Director.

"(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS.—The Secretary shall carry out functions of this subtitle through grants, contracts, or cooperative agreements.

#### "SEC. 678A. TRAINING AND TECHNICAL ASSISTANCE.

"(a) ACTIVITIES.—The Secretary shall use the amounts reserved in section 674(b)(2) for training, technical assistance, planning, evaluation, performance measurement, corrective action activities (to correct programmatic deficiencies of eligible entities), reporting, and data collection activities related to programs carried out under this subtitle, and in accordance with subsection (c). Training and technical assistance activities may be carried out by the Secretary through grants, contracts, or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities.

"(b) PROCESS.—The process for determining the training and technical assistance to be carried out under this section shall—

"(1) ensure that the needs of eligible entities and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the national and State network of eligible entities.

"(c) DISTRIBUTION REQUIREMENT.—Of the amounts reserved under section 674(b)(2) for activities to be carried out under this section, not less than  $\frac{1}{2}$  of such amounts shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities for the purpose of improving program quality (including financial management practices), management information and reporting systems, measurement of program results, and for the purpose of ensuring responsiveness to local neighborhood needs.

#### "SEC. 678B. MONITORING OF ELIGIBLE ENTITIES.

"(a) IN GENERAL.—In order to determine whether eligible entities meet the performance goals, administrative standards, financial management requirements, and other requirements of a State, the State shall conduct the following reviews of eligible entities:

"(1) A full onsite review of each such entity at least once during each 3-year period.

"(2) An onsite review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the community services block grant program.

"(3) Followup reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards, and requirements established by the State.

"(4) Other reviews as appropriate, including reviews of entities with programs that have had other Federal, State, or local grants terminated for cause.

"(b) REQUESTS.—The State may request training and technical assistance from the Secretary as needed to comply with the requirements of this section.

"(c) EVALUATIONS BY THE SECRETARY.—The Secretary shall conduct in several States in each fiscal year evaluations and investigations of the use of funds received by the States under this subtitle in order to evaluate compliance with the provisions of this subtitle, and especially with respect to compliance with subsection (b) of section 676. A

report of such evaluations, together with recommendations of improvements designed to enhance the benefit and impact to people in need, shall be sent to each State evaluated. Upon receiving the report the State shall submit a plan of action in response to the recommendations contained in the report. The results of the evaluations shall be submitted annually to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on Labor and Human Resources of the Senate as part of the report submitted by the Secretary in accordance with section 678E(b)(2).

**"SEC. 678C. CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.**

"(a) DETERMINATION.—If the State determines, on the basis of a review pursuant to subsection 678B, that an eligible entity materially fails to comply with the terms of an agreement, or the State plan, to provide services under this subtitle or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State shall—

"(1) inform the entity of the deficiency to be corrected;

"(2) require the entity to correct the deficiency;

"(3)(A) offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or

"(B) if the State determines that such training and technical assistance are not appropriate, prepare and submit to the Secretary a report stating the reasons for the determination;

"(4)(A) at the discretion of the State (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency), allow the entity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by the State; and

"(B) not later than 30 days after receiving from an eligible entity a proposed quality improvement plan pursuant to subparagraph (A), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and

"(5) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation or reduce the funding under this subtitle of the eligible entity unless the entity corrects the deficiency.

"(b) REVIEW.—A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary. The Secretary shall, upon request, review such a determination. The review shall be completed not later than 120 days after the determination to terminate the designation or reduce the funding. If the review is not completed within 120 days, the determination of the State shall become final at the end of the 120th day.

"(c) DIRECT ASSISTANCE.—Whenever a State violates the assurances contained in section 676(b)(8) and terminates or reduces the funding of an eligible entity prior to the completion of the State's hearing and the Secretary's review as required in subsection (b), the Secretary shall assume responsibility for providing financial assistance to the eligible entity affected until the violation is corrected. In such case, the allotment for the State shall be reduced by an amount equal to the funds provided under this subsection to such eligible entity.

**"SEC. 678D. FISCAL CONTROLS, AUDITS, AND WITHHOLDING.**

"(a) FISCAL CONTROLS, PROCEDURES, AUDITS, AND INSPECTIONS.—

"(1) IN GENERAL.—A State that receives funds under this subtitle shall—

"(A) establish fiscal control and fund accounting procedures necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this subtitle, including procedures for monitoring the funds provided under this subtitle;

"(B) ensure that cost and accounting standards of the Office of Management and Budget apply to a recipient of funds under this subtitle;

"(C) prepare, at least every year in accordance with paragraph (2) an audit of the expenditures of the State of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; and

"(D) make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request for the items.

"(2) AUDITS.—Each audit required by subsection (a)(1)(C) shall be conducted by an entity independent of any agency administering activities or services carried out under this subtitle and shall be conducted in accordance with generally accepted accounting principles. Within 30 days after the completion of each such audit in a State, the chief executive officer of the State shall submit a copy of such audit to any eligible entity that was the subject of the audit at no charge, to the legislature of the State, and to the Secretary.

"(3) REPAYMENTS.—The State shall repay to the United States amounts found not to have been expended in accordance with this subtitle or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subtitle.

"(b) WITHHOLDING.—

"(1) IN GENERAL.—The Secretary shall, after providing adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not utilize the State allotment substantially in accordance with the provisions of this subtitle, including the assurances such State provided under section 676.

"(2) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this subtitle, including the assurances provided by the State under section 676. For purposes of this paragraph, a complaint of a failure to meet any 1 of the assurances provided under section 676 that constitutes disregarding that assurance shall be considered to be a complaint of a serious nature.

"(3) INVESTIGATIONS.—Whenever the Secretary determines that there is a pattern of complaints of failures described in paragraph (2) from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this subtitle by such State in order to ensure compliance with the provisions of this subtitle.

**"SEC. 678E. ACCOUNTABILITY AND REPORTING REQUIREMENTS.**

"(a) STATE ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

"(1) PERFORMANCE MEASUREMENT.—

"(A) IN GENERAL.—By October 1, 2001, each State that receives funds under this subtitle shall participate, and shall ensure that all eligible entities in the State participate, in a performance measurement system, which may be a performance measurement system established by the Secretary pursuant to subsection (b), or an alternative system that meets the requirements of subsection (b).

"(B) LOCAL AGENCIES.—The State may elect to have local agencies who are sub-contractors of the eligible entities under this subtitle participate in the performance measurement system. If the State makes that election, references in this section to eligible entities shall be considered to include the local agencies.

"(2) ANNUAL REPORT.—Each State shall annually prepare and submit to the Secretary a report on the measured performance of the State and the eligible entities in the State. Each State shall also include in the report an accounting of the expenditure of funds received by the State through the community services block grant program, including an accounting of funds spent on indirect services or administrative costs by the State and the eligible entities, and funds spent by eligible entities on the direct delivery of local services, and shall include information on the number of and characteristics of clients served under this subtitle in the State, based on data collected from the eligible entities. The State shall also include in the report a summary describing the training and technical assistance offered by the State under section 678C(a)(3) during the year covered by the report.

"(b) SECRETARY'S ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

"(1) PERFORMANCE MEASUREMENT.—The Secretary, in collaboration with the States and with eligible entities throughout the Nation, shall facilitate the development of 1 or more model performance measurement systems, which may be used by the States and by eligible entities to measure their performance in carrying out the requirements of this subtitle and in achieving the goals of their community action plans. The Secretary shall provide technical assistance, including support for the enhancement of electronic data systems, to States and to eligible entities to enhance their capability to collect and report data for such a system and to aid in their participation in such a system.

"(2) REPORTING REQUIREMENTS.—At the end of each fiscal year beginning after September 30, 1999, the Secretary shall, directly or by grant or contract, prepare a report containing—

"(A) a summary of the planned use of funds by each State, and the eligible entities in the State, under the community services block grant program, as contained in each State plan submitted pursuant to section 676;

"(B) a description of how funds were actually spent by the State and eligible entities in the State, including a breakdown of funds spent on indirect services or administrative costs and on the direct delivery of local services by eligible entities;

"(C) information on the number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and such demographic data on the low-income populations served by eligible entities as is determined by the Secretary to be feasible;

"(D) a comparison of the planned uses of funds for each State and the actual uses of the funds;

"(E) a summary of each State's performance results, and the results for the eligible



entities, as collected and submitted by the States in accordance with subsection (a)(2); and

"(F) any additional information that the Secretary considers to be appropriate to carry out this subtitle, if the Secretary informs the States of the need for such additional information and allows a reasonable period of time prior to the start of the fiscal year for the States to collect and provide the information.

"(3) SUBMISSION.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the report described in paragraph (2), and any comments the Secretary may have with respect to such report. The report shall include definitions of direct, indirect, and administrative costs used by the Department of Health and Human Services for programs funded under this subtitle.

"(4) COSTS.—Of the funds reserved under section 674(b)(3), not more than \$350,000 shall be available to carry out the reporting requirements contained in paragraph (2).

#### "SEC. 678F. LIMITATIONS ON USE OF FUNDS.

"(a) CONSTRUCTION OF FACILITIES.—

"(1) LIMITATIONS.—Except as provided in paragraph (2), grants made under this subtitle (other than amounts reserved under section 674(b)(3)) may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this subtitle, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

"(2) WAIVER.—The Secretary may waive the limitation contained in paragraph (1) upon a State request for such a waiver, if the Secretary finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the ability of the State to carry out the purposes of this subtitle.

"(b) POLITICAL ACTIVITIES.—

"(1) TREATMENT AS A STATE OR LOCAL AGENCY.—For purposes of chapter 15 of title 5, United States Code, any entity that assumes responsibility for planning, developing, and coordinating activities under this subtitle and receives assistance under this subtitle shall be deemed to be a State or local agency. For purposes of paragraphs (1) and (2) of section 1502(a) of such title, any entity receiving assistance under this subtitle shall be deemed to be a State or local agency.

"(2) PROHIBITIONS.—Programs assisted under this subtitle shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such programs with—

"(A) any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;

"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

"(C) any voter registration activity.

"(3) RULES AND REGULATIONS.—The Secretary, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this subsection, which shall include provisions

for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

"(c) NONDISCRIMINATION.—

"(1) IN GENERAL.—No person shall, on the basis of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) shall also apply to any such program or activity.

"(2) ACTION OF SECRETARY.—Whenever the Secretary determines that a State that has received a payment under this subtitle has failed to comply with paragraph (1) or an applicable regulation, the Secretary shall notify the chief executive officer of the State and shall request that the officer secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (2), or whenever the Attorney General has reason to believe that the State is engaged in a pattern or practice of discrimination in violation of the provisions of this subsection, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

#### "SEC. 679. OPERATIONAL RULE.

"(a) FAITH-BASED ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, faith-based organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a faith-based character.

"(b) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a faith-based organization to remove religious art, icons, scripture, or other symbols in order to be eligible to provide assistance under a program described in subsection (a).

"(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a faith-based organization to provide assist-

ance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

"(d) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any faith-based organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

#### "SEC. 680. DISCRETIONARY AUTHORITY OF THE SECRETARY.

"(a) GRANTS, CONTRACTS, ARRANGEMENTS, LOANS, AND GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall, from funds reserved under section 674(b)(3), make grants, loans, or guarantees to States and public agencies and private, nonprofit organizations, or enter into contracts or jointly financed cooperative arrangements with States and public agencies and private, nonprofit organizations (and for-profit organizations, to the extent specified in (2)(E)) for each of the objectives described in paragraphs (2) through (4).

"(2) COMMUNITY ECONOMIC DEVELOPMENT.—

"(A) ECONOMIC DEVELOPMENT ACTIVITIES.—The Secretary shall make grants described in paragraph (1) on a competitive basis to private, non-profit organizations that are community development corporations to provide technical and financial assistance for economic development activities designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) after consultation with other relevant Federal officials.

"(C) GOVERNING BOARDS.—For a community development corporation to receive funds to carry out this paragraph, the corporation shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

"(D) GEOGRAPHIC DISTRIBUTION.—In making grants to carry out this paragraph, the Secretary shall take into consideration the geographic distribution of funding among States and the relative proportion of funding among rural and urban areas.

"(E) RESERVATION.—Of the amounts made available to carry out this paragraph, the Secretary may reserve not more than 1 percent for each fiscal year to make grants to private, nonprofit organizations or to enter into contracts with private, nonprofit or for-profit organizations to provide technical assistance to aid community development corporations in developing or implementing activities funded to carry out this paragraph and to evaluate activities funded to carry out this paragraph.

"(3) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—The Secretary shall provide the assistance described in paragraph (1) for rural community development activities, which shall include—

"(A) grants to private, nonprofit corporations that provide assistance concerning home repair to rural low-income families

and planning and developing low-income rural rental housing units; and

"(B) grants to multistate, regional, private, nonprofit organizations to provide training and technical assistance to small, rural communities in meeting their community facility needs.

"(4) NEIGHBORHOOD INNOVATION PROJECTS.—The Secretary shall provide the assistance described in paragraph (1) for neighborhood innovation projects, which shall include grants to neighborhood-based private, nonprofit organizations to test or assist in the development of new approaches or methods that will aid in overcoming special problems identified by communities or neighborhoods or otherwise assist in furthering the purposes of this subtitle, and which may include projects that are designed to serve low-income individuals and families who are not being effectively served by other programs.

"(b) EVALUATION.—The Secretary shall require all activities receiving assistance under this section to be evaluated for their effectiveness. Funding for such evaluations shall be provided as a stated percentage of the assistance or through a separate grant awarded by the Secretary specifically for the purpose of evaluation of a particular activity or group of activities.

"(c) ANNUAL REPORT.—The Secretary shall compile an annual report containing a summary of the evaluations required in subsection (b) and a listing of all activities assisted under this section. The Secretary shall annually submit the report to the Chairperson of the Committee on Education and the Workforce of the House of Representatives and the Chairperson of the Committee on Labor and Human Resources of the Senate."

#### SEC. 203. RELATED AMENDMENTS.

The Community Services Block Grant Act (42 U.S.C. 9901 et seq.) is amended—

- (1) by striking section 681;
- (2) in section 681A—
  - (A) by striking "681A" and inserting "681";
  - (B) in subsection (c) by striking "Labor" and inserting "the Workforce"; and
  - (C) in subsection (d) by striking "\$25,000,000" and all that follows through "1998", and inserting "\$5,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003";
- (3) in section 682—
  - (A) in subsection (c)—
    - (i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
    - (ii) by inserting after paragraph (2) the following:

"(3) the applicant shall, in each community in which a program is funded under this section—

- "(A) ensure that—
  - "(i) a community-based advisory committee, composed of representatives of local youth, family, and social service organizations, schools, entities that provide park and recreation services, entities that provide training services, and community-based organizations that serve high-risk youth, is established; or
  - "(ii) an existing community-based advisory board, commission, or committee with similar membership is used; and
- "(B) enter into formal partnerships with youth-serving organizations or other appropriate social service entities in order to link program participants with year-round services in their home communities that support and continue the objectives of this subtitle;"; and

(B) in subsection (f) by striking "each fiscal year" and all that follows through

"1998", and inserting "for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003"; and

(4) by striking sections 683 and 684, and inserting the following:

#### "SEC. 683. DRUG TESTING AND PATERNITY DETERMINATIONS.

"(a) DRUG TESTING PERMITTED.—(1) Nothing in this subtitle shall be construed to prohibit a State from testing participants in programs, activities, or services carried out under this subtitle for controlled substances or from imposing sanctions on such participants who test positive for any of such substances.

"(2) Any funds provided under this subtitle expended for such testing shall be considered to be expended for administrative expenses and shall be subject to the limitation specified in section 675C(b)(2).

"(b) PATERNITY DETERMINATIONS.—During each fiscal year for which an eligible entity receives a grant under section 675C, such entity shall—

"(1) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services;

"(2) refer eligible parents to the child support offices of State and local governments; and

"(3) establish referral arrangements with such offices.

#### "SEC. 684. REFERENCES.

"Any reference in any provision of law to the poverty line set forth in section 624 or 625 of the Economic Opportunity Act of 1964 shall be construed to be a reference to the poverty line defined in section 673 of this subtitle. Any reference in any provision of law to any community action agency designated under title II of the Economic Opportunity Act of 1964 shall be construed to be a reference to an entity eligible to receive funds under the community services block grant program."

#### SEC. 204. ASSETS FOR INDEPENDENCE.

The Community Services Block Grant Act (42 U.S.C. 9901-9912), as amended by sections 202 and 203, is amended—

- (1) by striking "this subtitle" each place it appears (other than in section 671) and inserting "this part"; and
- (2) by inserting the following after section 671:

#### "CHAPTER 1—COMMUNITY SERVICES GRANTS."

and

(3) by adding at the end the following:

#### "CHAPTER 2—ASSETS FOR INDEPENDENCE

##### "SEC. 685. SHORT TITLE.

"This chapter may be cited as the 'Assets for Independence Act'.

##### "SEC. 686. FINDINGS.

"Congress makes the following findings:

"(1) Economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets because assets can improve economic independence and stability, connect individuals with a viable and hopeful future, stimulate development of human and other capital, and enhance the welfare of offspring.

"(2) Fully 1/2 of all Americans have either no, negligible, or negative assets available for investment, just as the price of entry to the economic mainstream, the cost of a house, an adequate education, and starting a business, is increasing. Further, the house-

hold savings rate of the United States lags far behind other industrial nations presenting a barrier to economic growth.

"(3) In the current tight fiscal environment, the United States should invest existing resources in high-yield initiatives. There is reason to believe that the financial returns, including increased income, tax revenue, and decreased welfare cash assistance, resulting from individual development accounts will far exceed the cost of investment in those accounts.

"(4) Traditional public assistance programs concentrating on income and consumption have rarely been successful in promoting and supporting the transition to increased economic self-sufficiency. Income-based domestic policy should be complemented with asset-based policy because, while income-based policies ensure that consumption needs (including food, child care, rent, clothing, and health care) are met, asset-based policies provide the means to achieve greater independence and economic well-being.

##### "SEC. 687. PURPOSES.

"The purposes of this chapter are to provide for the establishment of demonstration projects designed to determine—

"(1) the social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income;

"(2) the extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

"(3) the extent to which an asset-based policy stabilizes and improves families and the community in which they live.

##### "SEC. 688. DEFINITIONS.

"In this chapter:

"(1) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to amounts to be paid from a grant made for a project year, the calendar year immediately preceding the calendar year in which the grant is made.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is selected to participate by a qualified entity under section 693.

"(3) EMERGENCY WITHDRAWAL.—The term 'emergency withdrawal' means a withdrawal by an eligible individual that—

"(A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the individual development account of the individual;

"(B) is permitted by a qualified entity on a case-by-case basis; and

"(C) is made for—

"(i) expenses for medical care or necessary to obtain medical care, for the individual or a spouse or dependent of the individual described in paragraph (8)(D);

"(ii) payments necessary to prevent the eviction of the individual from the residence of the individual, or foreclosure on the mortgage for the principal residence of the individual, as defined in paragraph (8)(B); or

"(iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.

"(4) HOUSEHOLD.—The term 'household' means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

"(5) INDIVIDUAL DEVELOPMENT ACCOUNT.—

"(A) IN GENERAL.—The term 'individual development account' means a trust created or



organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust meets the following requirements:

"(i) No contribution will be accepted unless it is in cash or by check.

"(ii) The trustee is a federally insured financial institution, or a State insured financial institution if no federally insured financial institution is available.

"(iii) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with the qualified entity providing deposits for the individual under section 694.

"(iv) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(v) Except as provided in clause (vi), any amount in the trust which is attributable to a deposit provided under section 694 may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, or enabling the eligible individual to make an emergency withdrawal.

"(vi) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days of that date as directed by that individual to another individual development account established for the benefit of an eligible individual.

"(B) CUSTODIAL ACCOUNTS.—For purposes of subparagraph (A), a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(n) of the Internal Revenue Code of 1986) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which such person will administer the custodial account will be consistent with the requirements of this chapter, and if the custodial account would, except for the fact that it is not a trust, constitute an individual development account described in subparagraph (A). For purposes of this chapter, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee thereof.

"(6) PROJECT YEAR.—The term 'project year' means, with respect to a demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally authorized to be conducted.

"(7) QUALIFIED ENTITY.—

"(A) IN GENERAL.—The term 'qualified entity' means—

"(i) one or more not-for-profit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) a State or local government agency, or a tribal government, submitting an application under section 689 jointly with an organization described in clause (i).

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an organization described in subparagraph (A)(i) from collaborating with a financial institution or for-profit community development corporation to carry out the purposes of this chapter.

"(8) QUALIFIED EXPENSES.—The term 'qualified expenses' means 1 or more of the following, as provided by the qualified entity:

"(A) POSTSECONDARY EDUCATIONAL EXPENSES.—Postsecondary educational expenses paid from an individual development account directly to an eligible educational institution. In this subparagraph:

"(i) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means the following:

"(I) TUITION AND FEES.—Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

"(II) FEES, BOOKS, SUPPLIES, AND EQUIPMENT.—Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

"(ii) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means the following:

"(I) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of enactment of this chapter.

"(II) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of enactment of this chapter.

"(B) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. In this subparagraph:

"(i) PRINCIPAL RESIDENCE.—The term 'principal residence' means a principal residence, the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence.

"(ii) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

"(iii) QUALIFIED FIRST-TIME HOMEBUYER.—

"(I) IN GENERAL.—The term 'qualified first-time homebuyer' means an individual participating in the project (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

"(II) DATE OF ACQUISITION.—The term 'date of acquisition' means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

"(C) BUSINESS CAPITALIZATION.—Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution (or in a State insured financial institution if no federally insured financial institution is available) and is restricted to use solely for qualified business capitalization expenses. In this subparagraph:

"(i) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term 'qualified business capitalization expenses' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

"(ii) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means expenditures included in a qualified plan, including cap-

ital, plant, equipment, working capital, and inventory expenses.

"(iii) QUALIFIED BUSINESS.—The term 'qualified business' means any business that does not contravene any law or public policy (as determined by the Secretary).

"(iv) QUALIFIED PLAN.—The term 'qualified plan' means a business plan, or a plan to use a business asset purchased, which—

"(I) is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

"(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

"(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

"(D) TRANSFERS TO IDAS OF FAMILY MEMBERS.—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

"(i) the individual's spouse; or

"(ii) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

"(9) QUALIFIED SAVINGS OF THE INDIVIDUAL FOR THE PERIOD.—The term 'qualified savings of the individual for the period' means the aggregate of the amounts contributed by the individual to the individual development account of the individual during the period.

"(10) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(11) TRIBAL GOVERNMENT.—The term 'tribal government' means a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) or a Native Hawaiian organization, as defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

#### "SEC. 689. APPLICATIONS.

"(a) ANNOUNCEMENT OF DEMONSTRATION PROJECTS.—Not later than 3 months after the date of enactment of this chapter, the Secretary shall publicly announce the availability of funding under this chapter for demonstration projects and shall ensure that applications to conduct the demonstration projects are widely available to qualified entities.

"(b) SUBMISSION.—Not later than 6 months after the date of enactment of this chapter, a qualified entity may submit to the Secretary an application to conduct a demonstration project under this chapter.

"(c) CRITERIA.—In considering whether to approve an application to conduct a demonstration project under this chapter, the Secretary shall assess the following:

"(1) SUFFICIENCY OF PROJECT.—The degree to which the project described in the application appears likely to aid project participants in achieving economic self-sufficiency through activities requiring qualified expenses. In making such assessment, the Secretary shall consider the overall quality of project activities in making any particular kind or combination of qualified expenses to be an essential feature of any project.

"(2) ADMINISTRATIVE ABILITY.—The experience and ability of the applicant to responsibly administer the project.

"(3) ABILITY TO ASSIST PARTICIPANTS.—The experience and ability of the applicant in recruiting, educating, and assisting project participants to increase their economic independence and general well-being through the development of assets.

"(4) COMMITMENT OF NON-FEDERAL FUNDS.—The aggregate amount of direct funds from

non-Federal public sector and from private sources that are formally committed to the project as matching contributions.

"(5) ADEQUACY OF PLAN FOR PROVIDING INFORMATION FOR EVALUATION.—The adequacy of the plan for providing information relevant to an evaluation of the project.

"(6) OTHER FACTORS.—Such other factors relevant to the purposes of this chapter as the Secretary may specify.

"(d) PREFERENCES.—In considering an application to conduct a demonstration project under this chapter, the Secretary shall give preference to an application that—

"(1) demonstrates the willingness and ability to select individuals described in section 692 who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardian;

"(2) provides a commitment of non-Federal funds with a proportionately greater amount of such funds committed by private sector sources; and

"(3) targets such individuals residing within 1 or more relatively well-defined neighborhoods or communities (including rural communities) that experience high rates of poverty or unemployment.

"(e) APPROVAL.—Not later than 9 months after the date of enactment of this chapter, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration projects under this chapter as the Secretary deems appropriate, taking into account the assessments required by subsections (c) and (d). The Secretary is encouraged to ensure that the applications that are approved involve a range of communities (both rural and urban) and diverse populations.

"(f) CONTRACTS WITH NONPROFIT ENTITIES.—The Secretary may contract with an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to conduct any responsibility of the Secretary under this section or section 696 if—

"(1) such entity demonstrates the ability to conduct such responsibility; and

"(2) the Secretary can demonstrate that such responsibility would not be conducted by the Secretary at a lower cost.

#### "SEC. 690. DEMONSTRATION AUTHORITY; ANNUAL GRANTS.

"(a) DEMONSTRATION AUTHORITY.—If the Secretary approves an application to conduct a demonstration project under this chapter, the Secretary shall, not later than 10 months after the date of enactment of this chapter, authorize the applicant to conduct the project for 5 project years in accordance with the approved application and the requirements of this chapter.

"(b) GRANT AUTHORITY.—For each project year of a demonstration project conducted under this chapter, the Secretary may make a grant to the qualified entity authorized to conduct the project. In making such a grant, the Secretary shall make the grant on the first day of the project year in an amount not to exceed the lesser of—

"(1) the aggregate amount of funds committed as matching contributions by non-Federal public or private sector sources; or

"(2) \$1,000,000.

#### "SEC. 691. RESERVE FUND.

"(a) ESTABLISHMENT.—A qualified entity under this chapter, other than a State or local government agency, or a tribal government, shall establish a Reserve Fund which shall be maintained in accordance with this section.

"(b) AMOUNTS IN RESERVE FUND.—

"(1) IN GENERAL.—As soon after receipt as is practicable, a qualified entity shall deposit in the Reserve Fund established under subsection (a)—

"(A) all funds provided to the qualified entity by any public or private source in connection with the demonstration project; and

"(B) the proceeds from any investment made under subsection (c)(2).

"(2) UNIFORM ACCOUNTING REGULATIONS.—The Secretary shall prescribe regulations with respect to accounting for amounts in the Reserve Fund established under subsection (a).

"(c) USE OF AMOUNTS IN THE RESERVE FUND.—

"(1) IN GENERAL.—A qualified entity shall use the amounts in the Reserve Fund established under subsection (a) to—

"(A) assist participants in the demonstration project in obtaining the skills (including economic literacy, budgeting, credit, and counseling) and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses;

"(B) provide deposits in accordance with section 694 for individuals selected by the qualified entity to participate in the demonstration project;

"(C) administer the demonstration project; and

"(D) provide the research organization evaluating the demonstration project under section 698 with such information with respect to the demonstration project as may be required for the evaluation.

"(2) AUTHORITY TO INVEST FUNDS.—

"(A) GUIDELINES.—The Secretary shall establish guidelines for investing amounts in the Reserve Fund established under subsection (a) in a manner that provides an appropriate balance between return, liquidity, and risk.

"(B) INVESTMENT.—A qualified entity shall invest the amounts in its Reserve Fund that are not immediately needed to carry out the provisions of paragraph (1), in accordance with the guidelines established under subparagraph (A).

"(3) LIMITATION ON USES.—Not more than 9.5 percent of the amounts provided to a qualified entity under section 698(b) shall be used by the qualified entity for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1), of which not less than 2 percent of the amounts shall be used by the qualified entity for the purposes described in paragraph (1)(D). If 2 or more qualified entities are jointly administering a project, no qualified entity shall use more than its proportional share for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1).

"(d) UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT TERMINATES.—Notwithstanding subsection (c), upon the termination of any demonstration project authorized under this section, the qualified entity conducting the project shall transfer to the Secretary an amount equal to—

"(1) the amounts in its Reserve Fund at time of the termination; multiplied by

"(2) a percentage equal to—

"(A) the aggregate amount of grants made to the qualified entity under section 698(b); divided by

"(B) the aggregate amount of all funds provided to the qualified entity by all sources to conduct the project.

#### "SEC. 692. ELIGIBILITY FOR PARTICIPATION.

"(a) IN GENERAL.—Any individual who is a member of a household that is eligible for assistance under the State temporary assist-

ance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or that meets each of the following requirements shall be eligible to participate in a demonstration project conducted under this chapter:

"(1) INCOME TEST.—The adjusted gross income of the household does not exceed the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household).

"(2) NET WORTH TEST.—

"(A) IN GENERAL.—The net worth of the household, as of the end of the calendar year preceding the determination of eligibility, does not exceed \$10,000.

"(B) DETERMINATION OF NET WORTH.—For purposes of subparagraph (A), the net worth of a household is the amount equal to—

"(i) the aggregate market value of all assets that are owned in whole or in part by any member of the household; minus

"(ii) the obligations or debts of any member of the household.

"(C) EXCLUSIONS.—For purposes of determining the net worth of a household, a household's assets shall not be considered to include the primary dwelling unit and 1 motor vehicle owned by the household.

"(b) INDIVIDUALS UNABLE TO COMPLETE THE PROJECT.—The Secretary shall establish such regulations as are necessary, including prohibiting future eligibility to participate in any other demonstration project conducted under this chapter, to ensure compliance with this chapter if an individual participating in the demonstration project moves from the community in which the project is conducted or is otherwise unable to continue participating in that project.

#### "SEC. 693. SELECTION OF INDIVIDUALS TO PARTICIPATE.

"From among the individuals eligible to participate in a demonstration project conducted under this chapter, each qualified entity shall select the individuals—

"(1) that the qualified entity deems to be best suited to participate; and

"(2) to whom the qualified entity will provide deposits in accordance with section 694.

#### "SEC. 694. DEPOSITS BY QUALIFIED ENTITIES.

"(a) IN GENERAL.—Not less than once every 3 months during each project year, each qualified entity under this Act shall deposit in the individual development account of each individual participating in the project, or into a parallel account maintained by the qualified entity—

"(1) from the non-Federal funds described in section 689(c)(4), a matching contribution of not less than \$0.50 and not more than \$4 for every \$1 of earned income (as defined in section 911(d)(2) of the Internal Revenue Code of 1986) deposited in the account by a project participant during that period;

"(2) from the grant made under section 690(b), an amount equal to the matching contribution made under paragraph (1); and

"(3) any interest that has accrued on amounts deposited under paragraph (1) or (2) on behalf of that individual into the individual development account of the individual or into a parallel account maintained by the qualified entity.

"(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than \$2,000 from a grant made under section 690(b) shall be provided to any 1 individual over the course of the demonstration project.

"(c) LIMITATION ON DEPOSITS FOR A HOUSEHOLD.—Not more than \$4,000 from a grant made under section 690(b) shall be provided to any 1 household over the course of the demonstration project.



"(d) **WITHDRAWAL OF FUNDS.**—The Secretary shall establish such guidelines as may be necessary to ensure that funds held in an individual development account are not withdrawn, except for 1 or more qualified expenses, or for an emergency withdrawal. Such guidelines shall include a requirement that a responsible official of the qualified entity conducting a project approve such withdrawal in writing. The guidelines shall provide that no individual may withdraw funds from an individual development account earlier than 6 months after the date on which the individual first deposits funds in the account.

"(e) **REIMBURSEMENT.**—An individual shall reimburse an individual development account for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. If the individual fails to make the reimbursement, the qualified entity administering the account shall transfer the funds deposited into the account or a parallel account under section 694 to the Reserve Fund of the qualified entity, and use the funds to benefit other individuals participating in the demonstration project involved.

**"SEC. 695. LOCAL CONTROL OVER DEMONSTRATION PROJECTS.**

"A qualified entity under this chapter, other than a State or local government agency or a tribal government, shall, subject to the provisions of section 697, have sole authority over the administration of the project. The Secretary may prescribe only such regulations or guidelines with respect to demonstration projects conducted under this chapter as are necessary to ensure compliance with the approved applications and the requirements of this chapter.

**"SEC. 695A. GRANDFATHERING OF EXISTING STATEWIDE PROGRAMS.**

"Any statewide asset-building program consistent with the purposes of this chapter that is established in State law as of the date of enactment of this Act, and that as of such date is operating with an annual State appropriation of not less than \$1,000,000 in non-Federal funds, shall be deemed to have met the requirements of section 688 and to be eligible for consideration by the Secretary as a demonstration program described in this chapter. Applications submitted by such statewide program shall be considered for funding by the Secretary notwithstanding the preferences listed in section 689(d). Any program requirements under sections 691 through 695 that are inconsistent with State statutory requirements in effect on such date governing such statewide program are hereby waived.

**"SEC. 696. ANNUAL PROGRESS REPORTS.**

"(a) **IN GENERAL.**—Each qualified entity under this chapter shall prepare an annual report on the progress of the demonstration project. Each report shall include both program and participant information and shall specify for the period covered by the report the following information:

"(1) The number and characteristics of individuals making a deposit into an individual development account.

"(2) The amounts in the Reserve Fund established with respect to the project.

"(3) The amounts deposited in the individual development accounts.

"(4) The amounts withdrawn from the individual development accounts and the purposes for which such amounts were withdrawn.

"(5) The balances remaining in the individual development accounts.

"(6) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the demonstration project, and how such characteristics vary among different populations or communities.

"(7) What service configurations of the qualified entity (such as peer support, structured planning exercises, mentoring, and case management) increased the rate and consistency of participation in the demonstration project and how such configurations varied among different populations or communities.

"(8) Such other information as the Secretary may require to evaluate the demonstration project.

"(b) **SUBMISSION OF REPORTS.**—The qualified entity shall submit each report required to be prepared under subsection (a) to—

"(1) the Secretary; and

"(2) the Treasurer (or equivalent official) of the State in which the project is conducted, if the State or a local government or a tribal government committed funds to the demonstration project.

"(c) **TIMING.**—The first report required by subsection (a) shall be submitted not later than 60 days after the end of the calendar year in which the Secretary authorized the qualified entity to conduct the demonstration project, and subsequent reports shall be submitted every 12 months thereafter, until the conclusion of the project.

**"SEC. 697. SANCTIONS.**

"(a) **AUTHORITY TO TERMINATE DEMONSTRATION PROJECT.**—If the Secretary determines that a qualified entity under this chapter is not operating the demonstration project in accordance with the entity's application or the requirements of this chapter (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such entity's authority to conduct the demonstration project.

"(b) **ACTIONS REQUIRED UPON TERMINATION.**—If the Secretary terminates the authority to conduct a demonstration project, the Secretary—

"(1) shall suspend the demonstration project;

"(2) shall take control of the Reserve Fund established pursuant to section 691;

"(3) shall make every effort to identify another qualified entity (or entities) willing and able to conduct the project in accordance with the approved application (or, as modified, if necessary to incorporate the recommendations) and the requirements of this chapter;

"(4) shall, if the Secretary identifies an entity (or entities) described in paragraph (3)—

"(A) authorize the entity (or entities) to conduct the project in accordance with the approved application (or, as modified, if necessary, to incorporate the recommendations) and the requirements of this chapter;

"(B) transfer to the entity (or entities) control over the Reserve Fund established pursuant to section 691; and

"(C) consider, for purposes of this chapter—

"(i) such other entity (or entities) to be the qualified entity (or entities) originally authorized to conduct the demonstration project; and

"(ii) the date of such authorization to be the date of the original authorization; and

"(5) if, by the end of the 1-year period beginning on the date of the termination, the Secretary has not found a qualified entity (or entities) described in paragraph (3), shall—

"(A) terminate the project; and

"(B) from the amount remaining in the Reserve Fund established as part of the project, remit to each source that provided funds under section 689(c)(4) to the entity originally authorized to conduct the project, an amount that bears the same ratio to the amount so remaining as the amount provided by the source under section 689(c)(4) bears to the amount provided by all such sources under that section.

**"SEC. 698. EVALUATIONS.**

"(a) **IN GENERAL.**—Not later than 10 months after the date of enactment of this chapter, the Secretary shall enter into a contract with an independent research organization to evaluate, individually and as a group, all qualified entities and sources participating in the demonstration projects conducted under this chapter.

"(b) **FACTORS TO EVALUATE.**—In evaluating any demonstration project conducted under this chapter, the research organization shall address the following factors:

"(1) The effects of incentives and organizational or institutional support on savings behavior in the demonstration project.

"(2) The savings rates of individuals in the demonstration project based on demographic characteristics including gender, age, family size, race or ethnic background, and income.

"(3) The economic, civic, psychological, and social effects of asset accumulation, and how such effects vary among different populations or communities.

"(4) The effects of individual development accounts on homeownership, level of postsecondary education attained, and self-employment, and how such effects vary among different populations or communities.

"(5) The potential financial returns to the Federal Government and to other public sector and private sector investors in individual development accounts over a 5-year and 10-year period of time.

"(6) The lessons to be learned from the demonstration projects conducted under this chapter and if a permanent program of individual development accounts should be established.

"(7) Such other factors as may be prescribed by the Secretary.

"(c) **METHODOLOGICAL REQUIREMENTS.**—In evaluating any demonstration project conducted under this chapter, the research organization shall—

"(1) for at least 1 site, use control groups to compare participants with nonparticipants;

"(2) before, during, and after the project, obtain such quantitative data as are necessary to evaluate the project thoroughly; and

"(3) develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

**"(d) REPORTS BY THE SECRETARY.**—

"(1) **INTERIM REPORTS.**—Not later than 90 days after the end of the calendar year in which the Secretary first authorizes a qualified entity to conduct a demonstration project under this chapter, and every 12 months thereafter until all demonstration projects conducted under this chapter are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 696(b).

"(2) **FINAL REPORTS.**—Not later than 12 months after the conclusion of all demonstration projects conducted under this chapter, the Secretary shall submit to Congress a final report setting forth the results

and findings of all reports and evaluations conducted pursuant to this chapter.

"(e) **EVALUATION EXPENSES.**—The Secretary shall expend such sums as may be necessary, but not less than 2 percent of the amount appropriated under section 699A for a fiscal year, to carry out the purposes of this section.

**"SEC. 699. TREATMENT OF FUNDS.**

"Of the funds deposited in individual development accounts for eligible individuals, only the funds deposited by the individuals (including interest accruing on those funds) may be considered to be income, assets, or resources of the individuals for purposes of determining eligibility for, or the amount of assistance furnished under, any Federal or federally assisted program based on need.

**"SEC. 699A. AUTHORIZATION OF APPROPRIATIONS.**

"There is authorized to be appropriated to carry out this chapter, \$25,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, to remain available until expended."

**SEC. 205. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) **EFFECTIVE DATE.**—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by this title shall not apply with respect to fiscal years ending before October 1, 1998.

**TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981**

**SEC. 301. SHORT TITLE.**

This title may be cited as the "Low-Income Home Energy Assistance Amendments of 1998".

**SEC. 302. AUTHORIZATION.**

(a) **IN GENERAL.**—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by inserting ", \$1,100,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal year 2001" after "1995 through 1999".

(b) **PROGRAM YEAR.**—Section 2602(c) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(c)) is amended to read as follows:

"(c) Amounts appropriated under this section in any fiscal year for programs and activities under this title shall be made available for obligation in the succeeding fiscal year."

(c) **INCENTIVE PROGRAM FOR LEVERAGING NON-FEDERAL RESOURCES.**—Section 2602(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(d)) is amended by striking "for each of the fiscal years 1996" and all that follows through the period at the end, and inserting "for each of the fiscal years 1999, 2000, and 2001."

(d) **TECHNICAL AMENDMENT.**—Section 2602(e) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking "subsection (g)" and inserting "subsection (e) of such section".

**SEC. 303. DEFINITIONS.**

Section 2603(4) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622(4)) is amended—

(1) by striking "the term" and inserting "The term"; and

(2) by striking the semicolon and inserting a period.

**SEC. 304. NATURAL DISASTERS AND OTHER EMERGENCIES.**

(a) **DEFINITIONS.**—Section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(2) by inserting before paragraph (8) (as redesignated in paragraph (1)) the following:

"(7) **NATURAL DISASTER.**—The term 'natural disaster' means a weather event (relating to cold or hot weather), flood, earthquake, tornado, hurricane, or ice storm, or an event meeting such other criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate."

(3) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(4) by inserting before paragraph (2) (as redesignated in paragraph (3)) the following:

"(1) **EMERGENCY.**—The term 'emergency' means—

"(A) a natural disaster;

"(B) a significant home energy supply shortage or disruption;

"(C) a significant increase in the cost of home energy, as determined by the Secretary;

"(D) a significant increase in home energy disconnections reported by a utility, a State regulatory agency, or another agency with necessary data;

"(E) a significant increase in participation in a public benefit program such as the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the national program to provide supplemental security income carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or the State temporary assistance for needy families program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as determined by the head of the appropriate Federal agency;

"(F) a significant increase in unemployment, layoffs, or the number of households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or

"(G) an event meeting such criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate."

(b) **CONSIDERATIONS.**—Section 2604(g) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)) is amended by striking the last 2 sentences and inserting the following: "In determining whether to make such an allotment to a State, the Secretary shall take into account the extent to which the State was affected by the natural disaster or other emergency involved, the availability to the State of other resources under the program carried out under this title or any other program, whether a Member of Congress has requested that the State receive the allotment, and such other factors as the Secretary may find to be relevant. Not later than 30 days after making the determination, but prior to releasing an allotted amount to a State, the Secretary shall notify Congress of the allotments made pursuant to this subsection."

**SEC. 305. STATE ALLOTMENTS.**

Section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623) is amended—

(1) in subsection (b)(1), by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

(2) in subsection (c)(3)(B)(ii), by striking "application" and inserting "applications";

(3) by striking subsection (f);

(4) in the first sentence of subsection (g), by striking "(a) through (f)" and inserting "(a) through (d)"; and

(5) by redesignating subsection (g) as subsection (e).

**SEC. 306. ADMINISTRATION.**

Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624) is amended—

(1) in subsection (b)—

(A) in paragraph (9)(A), by striking "and not transferred pursuant to section 2604(f) for use under another block grant";

(B) in paragraph (14), by striking "and" and inserting a semicolon;

(C) in the matter following paragraph (14), by striking "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(D) in the matter following paragraph (16), by inserting before "The Secretary shall issue" the following: "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(2) in subsection (c)(1)—

(A) in subparagraph (B), by striking "States" and inserting "State"; and

(B) in subparagraph (G)(i), by striking "has" and inserting "had"; and

(3) in paragraphs (1) and (2)(A) of subsection (k) by inserting ", particularly those low-income households with the lowest incomes that pay a high proportion of household income for home energy" before the period.

**SEC. 307. PAYMENTS TO STATES.**

Section 2607(b)(2)(B) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626(b)(2)(B)) is amended—

(1) in the first sentence, by striking "and not transferred pursuant to section 2604(f)"; and

(2) in the second sentence, by striking "but not transferred by the State".

**SEC. 308. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION.**

(a) **EVALUATION.**—The Comptroller General shall conduct an evaluation of the Residential Energy Assistance Challenge program described in section 2607B of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b).

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report containing—

(1) the findings resulting from the evaluation described in subsection (a); and

(2) the State evaluations described in paragraphs (1) and (2) of subsection (b) of such section 2607B.

(c) **INCENTIVE GRANTS.**—Section 2607B(b)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b(b)(1)) is amended by striking "For each of the fiscal years 1996 through 1999" and inserting "For each fiscal year".

(d) **TECHNICAL AMENDMENTS.**—Section 2607B of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b) is amended—

(1) in subsection (e)(2)—

(A) by redesignating subparagraphs (F) through (N) as subparagraphs (E) through (M), respectively; and

(B) in clause (i) of subparagraph (I) (as redesignated in subparagraph (A)), by striking "on" and inserting "of"; and

(2) by redesignating subsection (g) as subsection (f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.



The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here to discuss very important legislation, namely Head Start. For 20 years I sat as a minority member in the Committee on Education and the Workforce, always cautioning my colleagues to think in terms of quality rather than in terms of quantity. But each year we would increase the number who participated and paid little attention to the quality of the program.

Of the first four studies that came out on Head Start, three of them indicated that there not only was not a Head Start but there was not even an even start. The fourth study was done in a college community where, as a matter of fact, there were some positive results, primarily because the college students became mentors to those children so that those children had someone, some adult, helping them to become reading ready and ready for school.

Now, there was so much hype around the program, as was chapter 1, that it was very, very difficult to get anyone to consider quality. It did not matter whether it was a Democrat administration or a Republican administration, no one paid any attention to quality. No one recompeted any of the programs. No one closed any of the programs.

So I take my hat off to the present Secretary. At least she has gotten in there. After we gave her legislation during the last reauthorization, which said we are going to deal with the issue of quality, she has closed and recompeted Head Start programs.

Why did it start so poorly? It was very obvious. First of all, the whole idea of numbers rather than quality meant that most of the money went to numbers. Very few early childhood teachers were available, no matter what price we were paying. Obviously, if we were going to pay \$10,000, we were not going to attract qualified early childhood teachers.

So what happened to the program? The program became pretty much a baby-sitting and a child care program. And the lovely grandmothers and the lovely mothers that were in the classroom were lovely people with no idea whatsoever what it is we need to do to help children become reading ready, to help children become ready to go to school. Then, unfortunately, it became a job program. "Do not mess with us, this is our job program." In the meantime, children were denied the opportunity to succeed.

We passed, in the last reauthorization, not nearly as much quality as needed but at least we got to the business of saying that 25 percent of the money was going to go to quality and improved training programs. Many of

those lovely mothers and grandmothers could have become very effective if they had only had some training. We insisted that we pay those who do have the ability to deal with early childhood education more than they were presently being paid.

And so we have seen progress. We must now build on that progress. We did not go as far to emphasize quality as I would have liked, although the gentleman from California (Mr. RIGGS) did what I asked him to do in the subcommittee. However, I am very satisfied with the end result: 65 percent for quality, 35 percent for increase in numbers, and 10 percent for local grantees to determine which they need most of all, quality or expansion.

And so it would be my hope that we move ahead now and insist that every early childhood program that we are involved in is a quality program. If we had different numbers as far as drop-outs are concerned, if we had different numbers as far as 30 or 40 percent of children not being able to read at a fourth grade level then we could say, boy, that program was really effective; that really worked. We do not have those figures, unfortunately.

Now, of course, there were three amendments added in full committee, because I took a passive role. Those three, at another time, at another place, are very important. I am certainly the champion for regarding needed reforms to Davis-Bacon, because I saw as an educator how much Davis-Bacon was costing local districts. We had that debate. It was amazing when people would say we get better construction if we have Davis-Bacon. And I said, now, wait a minute, in my district the same people who worked a union project also are the same people who work a project that is not a union project. But that is not an issue now because, of course, Davis-Bacon in Head Start is a very minimal, minimal program.

Another area, paternity, of course, is extremely important in welfare reform, and that is where it is. And we are dealing in welfare reform with adults, or at least with parents that have produced children, and that is very, very important. However, in this legislation we are dealing with little children, preschool children, who did not have any say about being born, did not have any say as to what family to which they were born or anything about whether they had one loving parent, two loving parents or no loving parents. So, of course, this should not be an issue for this particular legislation.

So I would hope when we finish today that we have an overwhelming vote. But I do want to caution everyone in the House, if we do not have quality in the program by the time we are finished in conference, then I will work just as hard to defeat the conference report as I will work today to try to

pass the legislation, which is good legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of the House substitute, S. 2206, the Human Services Reauthorization Act of 1998.

This bill reauthorizes three programs which we are very interested in that provide assistance to the neediest Americans; Head Start, the Low-Income Home Energy Assistance Program, and the Community Services Block Grants.

In bringing forth this legislation, I want to commend the gentleman from Pennsylvania (Mr. GOODLING), who has reaffirmed the bipartisan nature of these initiatives and has demonstrated a commitment to fashioning a compromise bill that will ensure the integrity and quality of these programs for years to come.

For more than 3 decades, Head Start has provided comprehensive social, health and educational services designed to promote strong, supportive families and provide disadvantaged people with strong foundations for a lifetime of learning.

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Nowhere is the success of Head Start more evident than in the strong praise from the thousands whose lives the program has touched. In 1994, we undertook the most ambitious reauthorization of Head Start to that date. Begging to differ just a little with the chairman, I believe we initiated a quality improvement process that would ultimately result in a comprehensive set of performance standards and local performance measures. I am proud of that effort and the direction that it established for the future of Head Start. That is why earlier this year I introduced H.R. 3880 which simply calls for changes that build upon this investment in quality through stronger linkages between the Head Start program and schools and increasing our investment in early Head Start. I am pleased to say that the proposals in my legislation are in the bill before us today.

One issue to which I am fully committed is continued growth of the early Head Start program. I truly believe that given the preponderance of research on early childhood development that we should incorporate our youngest children from birth to age 3 into Head Start. I also believe that with the investments in quality that began in 1994, it is time that we make a concerted effort to expand Head Start to the 60 percent of eligible children that are not currently served. We have been hearing pledges for years to fully fund Head Start and we should ensure that with this authorization bill that such growth is possible. I am pleased to say with the leadership of the chairman we

are able to return to the nonpartisan history of Head Start and take necessary steps to ensure the program's future.

In our zest to tout the gains made possible with Head Start, we should not overlook LIHEAP and CSBG. LIHEAP helps low-income Americans meet the cost of home energy, particularly in times of extreme weather, natural disasters, and other emergencies. Four to five million households receive assistance annually. Nearly half are families with children under 18, while the remaining beneficiaries consist of older Americans and disabled individuals. Seventy percent of these households have incomes below \$8,000 per year. In the midst of the heat wave that hit the South this summer, killing hundreds of Americans in its wake, the President released a total of \$150 million in emergency funds to 11 States. This assistance enabled low-income families and individuals to meet the cost of cooling their homes and purchase fans and air conditioners. Sadly it is often those who lack the health and strength to cope with extreme weather who also cannot afford even the most basic modern conveniences to moderate the temperature. But LIHEAP is not just about heating and cooling. This program provides a variety of home energy assistance so that an elderly couple in Arizona can cook their evening meal and a family in the Bronx can light up the kitchen so the kids can finish their homework.

Although many of us stand firm in our dedication to a longer reauthorization of LIHEAP and we will work in conference to incorporate the Senate's 5-year reauthorization, the House bill reaffirms our commitment to this important program by making only minor programmatic changes.

The third program addressed by this legislation is the Community Services Block Grant, CSBG. CSBG supports the efforts of the Community Action Network in addressing the causes of poverty and providing a wide array of assistance to Americans in need. Services that have been traditionally provided include education, job training and placement, housing, nutrition, emergency services, and health.

The measure before us today authorizes new activities, including literacy services, mirroring the language I included in H.R. 3880, and after-school programs. In addition, this legislation provides for additional accountability and monitoring which can only serve to strengthen CSBG.

Once again I thank the chairman for his leadership in bringing what is now a strong bipartisan bill to the floor and I look forward to working with him and other Members to resolve our differences with the Senate in conference.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the

gentleman from Indiana (Mr. SOUDER), a valuable member of the committee.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for yielding time and I thank him for his leadership as well as the gentleman from California (Mr. RIGGS) the chairman of the subcommittee and the gentleman from California (Mr. MARTINEZ) the ranking minority member.

This bill represents months of work to find ways to expand the positive impact of limited dollars on people's lives who participate in these programs.

Head Start was originally founded under the Johnson administration when Sargent Shriver said we should give these kids a head start in education. Many of us who have been supportive of Head Start in the past and have worked with this program have been concerned that it has been drifting toward a glorified child care type of a program and losing its educational emphasis. I believe that the changes we made in this bill, and there are some who will oppose this because it is not a perfect bill. In fact, to go under a suspension, we needed bipartisan support for this bill. Some provisions that were in the committee were taken out. But I believe that in the Head Start portion of this bill as well as the Community Services Block Grant, conservative Republicans should support this because it is an improvement from the way we were currently doing business.

For example, we have in the Education Performance Standards that they need to develop phonemic, print and numeracy awareness; understand and use oral language to communicate for different purposes; understand and use increasingly complex and varied vocabulary; develop and demonstrate an appreciation of books; and in the case of non-English background children, progress toward acquisition of the English language.

We also have Performance Measures. We have four, plus giving local flexibility for additional: Know that letters of the alphabet are a special category of visual graphics that can be individually named; recognize a word as a unit of print; identify at least 10 letters of the alphabet; and associate sounds with written words.

I do not favor national standards for public schools because the bulk of the dollars for public schools do not come from the Federal Government. But the overwhelming bulk of the dollars for Head Start do come from the Federal Government. Therefore, we have an obligation to the taxpayers to make sure that those dollars are being effectively used. In many cases Head Start was drifting away from the promises that it was given. Certain programs were effective and certain programs were not. We wanted to tighten and make Head Start more effective. I believe this will be done in an additional way that the gentleman from Pennsylvania (Mr.

GOODLING) led the efforts in, and, that is, to get more dollars into the teachers' hands rather than this explosion and expansion of services but not reaching the people with the quality of services that they need. The gains in Head Start are very tied toward teaching the kids who are behind, maybe they do not have the parental investment or the community investment in those kids that many kids such as my children are likely to have, having two parents of a college-educated background with a home computer. Not all kids have that in America. We need to reach out to those and make sure that those services are effectively used and not dissipated by trying to reach far too many who may or may not actually need the services.

Title II, the Community Services Block Grant portion of the bill, improves the accountability and effectiveness of these block grants by encouraging effective partnerships between government, local communities and charitable organizations, including faith-based organizations. This has been a critical part of the Renewal Alliance effort in numerous bills to make sure that faith-based organizations are included as an effective way particularly in our urban centers to reach those who are hurting most.

I also have two specific provisions in the Community Services Block Grant section. One I offered with the gentleman from California (Ms. WOOLSEY), the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Missouri (Mr. TALENT) that was introduced in the House by the gentleman from Ohio (Mr. KASICH) and the gentleman from Ohio (Mr. HALL) and my former boss, Senator COATS, in the Senate which was Individual Development Accounts. They are matched savings accounts for low-income individuals which can only be accessed for higher education, home purchases, emergency medical expenses and capitalization of a business. In other words, rather than just having the government do a direct transfer, we are saying, "If you save some of your money, we'll match it," much like we have in government employee savings funds, by the way. We are saying, if people will take the initiative to save money, we will match that and try to help get them started in our society and developing their own capital fund if they use it for education, home, emergency medical or capitalization of a business.

We also have a bipartisan amendment with the gentleman from Virginia (Mr. SCOTT) and myself that would allow at the State level their portion of Community Services Block Grant to be set aside to pay for State charitable credits. This is an important breakthrough, because again we have promoted in the Renewal Alliance, which are those of us who are conservatives who say the Federal Government cannot do everything, what do we



propose as an alternative to help those who have been left behind in economic growth.

Well, one of the things is to try to give incentives to the churches, to the community foundations, to individuals that if you will help, we will give you a tax incentive, we will allow you to leverage those funds in charitable organizations to do that. We are encouraging Individual Development Accounts. And in Head Start we are trying to promote education.

Let me make one last reference. I know some of my conservative allies in the House are very disturbed that several provisions were dropped off from the subcommittee level and the committee level. I have long supported the repeal of Davis Bacon and I do not think there is a bill that makes this more clear. Because we did not repeal Davis Bacon there will be fewer Head Start centers built. It is that simple. Because if you have to pay what is not really necessarily a prevailing wage because if indeed it is a prevailing wage Davis Bacon would not make any difference, that by taking that provision out we will be able to build fewer Head Start centers.

By changing the father accountability, we are not doing some of what we Republicans wanted to do and to try to use that. I think you can have a good debate whether or not the children in effect should be punished directly but at the same time without fathers, they are being punished, anyway. We, I believe, should use all levels of government to try to encourage the rebuilding of the families. But you also have to be realistic.

We have many improvements in this bill. I outlined many breakthrough provisions. You cannot get everything in a bill and have it make it through this House and the Senate and signed by the President in 30 days. I think the chairman and the subcommittee chairman who I know has some differences with the final form are to be commended for passing a bill that we can get bipartisan support and yet have substantive changes in it that will make it better for those who are hurting in our society.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time. I do want to recognize the subcommittee chair the gentleman from California (Mr. RIGGS) and the ranking member the gentleman from California (Mr. MARTINEZ) for all of the work that they have done and of course all of the work that the staff has done for a long, long time. Denzel just said, "You mean we're finally here?" Yes, we are finally here.

I want to recognize the gentleman from Michigan (Mr. SMITH) also, for his word on family literacy. One of the shortcomings in Head Start from the beginning has been that there was not enough emphasis on family literacy. In

this legislation we have a \$5 million family literacy demonstration program. We also have a very strong definition of family literacy because it will not work, we have found out over the years, if the entire family is not involved in improving their literacy skills. Again I would ask all to support the legislation. I think we have done an excellent job.

Mr. MARTINEZ. Mr. Speaker, I yield myself the balance of my time. I should have commended the staff earlier because I can remember a lot of those meetings, especially the meetings where the staff included me and the gentleman from California (Mr. RIGGS) in their deliberations. They were quite extensive. I want to say that they did work very hard to try to get to that bipartisan effort we did. But it finally came down to the fact that the gentleman from Pennsylvania (Mr. GOODLING), the chairman, interceded in some of the really, really difficult issues that we had not resolved, and we do have a bipartisan bill on the floor today. I would recommend that our Members vote for it.

Mr. GOODLING. Mr. Speaker, I rise in strong support of the amendment in the nature of a substitute to S. 2206, the Human Services Authorization Act of 1998. This legislation merges two bills that were reported by the Committee on Education and the Workforce on July 29: H.R. 4241, the Head Start Amendments Act of 1998 and H.R. 4271, the community services Authorization Act of 1998. Passage of this legislation is critically important to this nation's fight against poverty and to improve the preschool education of low-income children.

Specifically this legislation extends the authorizations for the Head Start Act, the Community Services block Grant Act, and the Low-Income Home Energy Assistance Act of 1981. The legislation also makes important changes to the Acts that would result in improved services, increased quality and accountability.

Title I of this legislation contains H.R. 4241, the Head Start Amendments of 1998. This legislation firmly establishes quality as the focus of the authorization.

Questions still persist about the unevenness of Head Start quality and about program outcomes in general. In Fact, Dr. Ed Zigler, the founder of Head Start, testified at a Head Start hearing in June that the educational component of Head Start continues to be of suspect quality.

Dr. Zigler's testimony and the testimony of other witnesses we heard at numerous hearings, coupled with my own impression of Head Start leads me to the conclusion that we must continue to improve the quality of head Start. I am a firm believer that Head Start should rival the best preschools in the nation. So while Head Start may be successful in providing an array of social services, the primary focus of the program should be educational quality. Unfortunately, the program has fallen short in preparing young children to enter school ready to read, ready to learn.

Until we can ensure that ALL children enrolled in Head Start receive high quality edu-

cational services, we should slow down the rate of expansion for a few short years. We should first ensure that head Start has the capacity to serve ALL children currently enrolled in the program well.

In an effort to strike the appropriate balance between quality and expansion, the bill directs more money into improving quality in head Start in the first years of the authorization. As we look to spend in excess of \$20 billion on this program over the next five years, it is important that we strike this balance.

Under the bill, school readiness will become the primary goal of Head Start. We want children to be eager and prepared to participate in kindergarten. Therefore we have added new education performance standards and measures. The legislation also requires that at least one-half of all Head Start teachers will have to possess a college degree in early childhood education by the end of the authorization period.

I would like to point out at this time that the substitute I am offering today does not contain three provisions that were reported out of Committee. Specifically: Permitting parent certificates; requiring mothers to identify the father of their child, before their child may enroll in Head Start; and deleting the Davis-Bacon requirement.

Although these are important provisions and the Committee reported such provisions after rigorous debate, they were dropped because this is neither the time nor the bill to debate these controversial issues. The Senate which has already passed their authorization bill did not include these provisions, nor have they indicated that they will do so. I submit for the RECORD an editorial in today's Washington Post stating that the while all three topics are worthy of discussion, Head Start is not the bill on which to have those debates. I am also submitting a letter of support from the National Head Start Association. Support that is dependent on these issues being dropped from the bill.

We have only a few short weeks before the end of session. Time dictates that the House pass a bipartisan Head Start bill, so we can conference with the Senate immediately and ensure that the authorizations of Head Start, CSBG and LIHEAP are considered another significant accomplishment of this Congress.

In summary, the bottom line for this authorization of Head Start is educational quality. Although, numerous quality provisions in the bill will help guarantee that a Head Start child receives as good a preschool experience as any other child in this country.

Title II of the legislation makes changes to the Community Services Block Grant Act. The bill will better enable States and local communities to eradicate poverty; revitalize high poverty neighborhoods; and empower low-income individuals to become self-sufficient.

The bill increases program accountability in CSBG. It encourages development of effective partnerships between government, local communities, and charitable organizations (including faith-based organizations) to meet the needs of impoverished individuals. And it encourages innovative community-based approaches to attacking the causes and effects of poverty.

I have been a strong supporter for many years of CSBG and the programs that it supports. I have seen the positive differences that community action programs have made in people's lives, including for those in my Congressional district in Pennsylvania. Working together we can make improvements in CSBG and related anti-poverty programs that will even further improve services for the poor in each local community.

Title III of this legislation extends the authorization of another important program, the Low Income Home Energy Assistance Program through the year 2001. LIHEAP provides heating and cooling assistance to almost 5 million low-income households each year. Whether it's those in abject poverty who are facing the blistering cold of a winter in Michigan, or the elderly sweltering in 102 degree heat in Dallas, Texas, this program provides the only relief for hundreds of thousands of our citizens.

Individuals and families receiving this vital assistance include the working poor, individuals making the transition from welfare to work, individuals with disabilities, the elderly, and families with young children. In fact, nearly 70 percent of families receiving LIHEAP assistance last year survived on an annual income of less than \$8,000, while spending an average of 18.5 percent of their annual household income on energy costs.

I urge my Colleagues to support S. 2206 as amended so that we may promptly begin the conference process on Head Start, CSBG and LIHEAP. It is critical to low-income families throughout the nation that we move quickly on this important legislation that impacts so many of their lives, to ensure that it becomes law this year.

THE NATIONAL HEAD  
START ASSOCIATION,

Alexandria, VA, September 11, 1998.

Hon. WILLIAM GOODLING, CHAIRMAN,  
Committee on Education and the Workforce,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: On July 29, the Committee on Education and the Workforce considered the bill, H.R. 4241, and reported the measure, after agreeing to several amendments which the National Head Start Association strongly opposes.

As I wrote you in my letter of August 5, 1998, the National Head Start Association is gravely concerned over the outcome of the committee deliberations—specifically those actions which restored controversial matters which you had elected to eliminate in offering your substitute amendment for committee consideration.

The introduction of vouchers in lieu of Head Start programs for the delivery of services and requiring Head Start programs to police compliance with welfare and paternity conditions threatens to undermine program quality and integrity and fracture a long history of bipartisan legislation in support of Head Start.

Just two days before the Committee considered H.R. 4241, as you know, the Senate unanimously approved Head Start reauthorization legislation (S. 2206) reported by the Senate Committee on Labor and Human Resources by a vote of 18-0. Our hope was that the House of Representatives would follow suit so that the process might move forward in a collegial manner.

In an effort to move the reauthorization process forward, the National Head Start Association would support consideration of H.R. 4241 by the full House of Representa-

tives if the controversial provisions cited above are removed from the bill as reported by the Committee on Education and the Workforce. At the same time, we remain concerned over other provisions in the committee-reported bill and will work with you as the measure moves to conference in addressing those concerns.

Sincerely,

SARAH M. GREENE.

[From the Washington Post, Sept. 14, 1998]

HEAD START VOTE IN THE HOUSE

A bill to reauthorize the Head Start program, whose passage ought to be routine, has hit a rough spot in the House, where conservative Republicans are trying to turn it into an election-year poster board. Chairman Bill Goodling of the Committee on Education and the Workforce will try this week to rescue the legislation by stripping out gratuitous amendments that were added in committee, mostly against his will.

He is using a procedure that requires a two-thirds vote while limiting debate. The principal sponsor of the troublesome amendments, Rep. Frank Riggs of California, is resisting. The House should vote as Mr. Goodling now asks; the Republican leadership should see to it. It is hard to believe the party would want to send members home to campaign having held up a program as worthy and popular as this.

Mr. Riggs offered three amendments in committee. One would bar from the program children whose mothers failed to cooperate with state and local agencies in establishing paternity. The second would take a symbolic first step toward disestablishing Head Start in favor of a system of vouchers. The third would exempt work on Head Start centers from the requirement of organized labor's beloved Davis-Bacon Act that "prevailing" wages be paid on federal construction projects.

Those are the provisions that Mr. Goodling would drop. In a letter urging Republican colleagues to resist, Mr. Riggs called them "common-sense reforms" that reflect "core Republican principles." He's right that all three of the issues are worthy of discussion, but not in connection with this program or this bill. The Senate already has passed a clean Head Start bill; the House should follow its lead.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of S. 2206, the Community Opportunities & Educational Services Act. I support many of the provisions in this bill which reauthorizes the Head Start, Community Services Block Grant and the Low-Income Home Energy Assistance Programs. However, I want to focus my remarks on the new demonstration program which will be created if this bill becomes law.

Mr. Speaker, S. 2206 includes the text of H.R. 2849, the Assets for Independence Act which I introduced with Representative JOHN KASICH. The language was added by an amendment offered in the Education and Work Committee by Representatives MARK SOUDER and LYNN WOOLSEY. This legislation authorizes \$25 million for four years for the creation of Individual Development Accounts (IDAs) for poor families and individuals. IDAs are dedicated savings accounts, similar in structure to Individual Retirement Accounts, that can be used for purchasing a first home, paying for post-secondary education, or capitalizing a business.

IDAs are managed by community organizations and are held at local financial institutions.

Low income individuals make a contribution to the account which is then matched by private or public funds. Under the legislation, participants can have no more than \$10,000 in assets (excluding their car and home) to qualify for the program. Federal money can only be used to match private money. In this way, the bill would leverage more private money and local involvement. By encouraging asset development, IDAs help families end their own poverty with dignity.

IDAs and other asset-building strategies for the poor appear to be among the most promising poverty-fighting ideas to emerge in the last few decades. It is estimated that 100 communities are running IDA programs in forty-three states. Twenty-five states, including Ohio, have incorporated IDAs into their welfare-to-work plans, as authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Joyce, Mott, Ford, Levi Strauss, and Fannie Mae Foundations have issued millions of dollars in grants to support IDA demonstration projects. IDAs have come a long way since the Select Committee on Hunger, which I chaired, first held hearings on this important idea in the early 1990's.

This demonstration project, will provide additional fuel to states, localities, and community based nonprofit groups that are looking for creative and enduring strategies to help low-income families move toward self-sufficiency.

Owning assets gives people a stake in the future and a reason to save, dream, and invest time, effort, and resources in creating a future for themselves and their children. Assets empower people to make choices for themselves.

I would urge my colleagues to pass this important legislation.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my opposition to S. 2206, which reauthorizes the Head Start program, as well as the Community Services Block Grant program and the Low Income Housing Energy Assistance Program (LIHEAP). While the goals of Head Start and the Community Services Block Grant program are certainly noble, the means these programs use to accomplish these goals (confiscating monies from one group of citizens and sending them to another group of citizens in the form of federal funding for Washington-controlled programs) are immoral and ineffective. There is no constitutional authority for Congress to fund any programs concerning child-rearing or education. Under the constitutional system, these matters are left solely in the hands of private citizens, local government, and the individual states.

In fact, the founders of this country would be horrified by one of the premises underlying this type of federal program: that communities and private individuals are unwilling and unable to meet the special needs of low-income children without intervention by the federal government. The truth is that the American people can and will meet the educational and other needs of all children if Congress gives them the freedom to do so by eliminating the oppressive tax burden fostered on Americans to fund the welfare-warfare state.

When the federal government becomes involved in funding a program such as Head Start, it should at least respect local autonomy



by refraining from interfering with the ability of local communities to fashion a program that suits their needs. After all, federal funding does not change the fact that those who work with a group of children on a daily basis are the best qualified to design a program that effectively serves those children. Therefore, I must strongly object to the provisions in S. 2206 that requires the majority of Head Start classroom teachers to have an Associate or Bachelors degree in early childhood education by 2003. This provision may raise costs and/or cause some good Head Start teachers to lose their positions simply because they lack the credentials a Washington-based "expert" decided they needed to serve as a Head Start instructor.

Mr. Speaker, if programs such as Head Start were controlled by private charities, their staffers would not have to worry about diverting valuable resources away from their mission to fulfill the whims of Congress.

I am also disappointed that S. 2206 does not contain the language passed by the House Committee on Education and the Workforce freeing Head Start construction from the wasteful requirements of the Davis-Bacon Act. Davis-Bacon not only drives up construction costs, it effectively ensures that small construction firms, many of which are minority-owned, cannot compete for federal construction contracts. Repealing Davis-Bacon requirement for Head Start construction would open up new opportunities for small construction companies and free up millions of taxpayers dollars that could be used to better America's children.

Congress should also reject S. 2206 because it reauthorizes the Low Income Heating and Energy Program (LIHEAP). LIHEAP is an unconstitutional transfer program which has outlived its usefulness. LIHEAP was instituted in order to help low-income people deal with the high prices resulting from the energy crisis of the late seventies. However, since then, home heating prices have declined by 51.6% residential electricity prices have declined by 25% and residential natural gas prices have declined by 32.7%. Furthermore, the people of Texas are sending approximately \$43 million more taxpayer dollars to Washington for LIHEAP than they are receiving in LIHEAP funds. There is no moral or constitutional justification for taking money from Texans, who could use those funds for state and local programs to provide low-income Texans with relief from oppressive heat, to benefit people in other states.

Another provision in S. 2206 that should be of concern to believers in a free society is the provision making "faith-based organizations" eligible for federal funds under the Community Services Block Grant program. While I have little doubt that the services offered by churches and other religious institutions can be more effective in producing social services than many secular programs, I am concerned that allowing faith-based organizations' access to federal taxpayer dollars may change those organizations into lobbyists who will compromise their core beliefs rather than risk alienating members of Congress and thus losing their federal funds. Thus, allowing faith-based organizations to receive federal funds may undermine future attempts to reduce federal control

over social services, undermine America's tradition of non-establishment of religion, and weaken the religious and moral component of the programs of "faith-based providers." It would be a tragedy for America if religious organizations weakened the spiritual aspects that made their service programs effective in order to receive federal lucre.

Since S. 2206 furthers the federal government's unconstitutional role of controlling early childhood education by increasing federal micro-management of the Head Start program, furthers government intrusions into religious institutions and redistributes income from Texans to citizens of other states through the LIHEAP program, I must oppose this bill. I urge my colleagues to oppose this bill and instead join me in defunding all unconstitutional programs and cutting taxes so the American people may create social service programs that best meet the needs of low-income children and families in their communities.

Mr. CASTLE, Mr. Speaker, I rise today in strong support of the substitute to S. 2206, the Human Services Authorization Act of 1998, offered by Chairman GOODLING.

I am pleased to state that this substitute represent a very balanced view of many long hours of negotiations and thorough evaluations of the needs of some of the countries' neediest citizens.

In particular, I want to focus my comments today on the Head Start provisions of the legislation. The Subcommittee on Early Childhood, Youth, and Families heard from a number of witnesses on ways to strengthen existing Head Start operations to bring better quality, more accountability and more results. Today, we are combining that input and taking several very important steps for our nation's children by implementing a better, stronger, and more focused program. As you are aware, the substitute does not contain the more controversial provisions, including those on parent certificates, construction, and establishment of paternity. I believe the exclusion of these provisions leaves us with a stronger and more united bill and commend the Chairman for his acknowledgment of such.

One of the keys to this reform, that we on the Education Committee identified immediately, is the need to toughen the education components of the program. So, what we have done is clarify those educational components of Head Start. The purpose of Head Start is to promote school readiness. Make no mistake about it, this program was named deliberately—these kids need a "head start" in life. The new performance standards are measures in the substitute will enable us to ensure that students are learning, so that we can meet the needs of children where we haven't been able to in the past.

In addition monies will be available for advancement in the quality of Head Start. Specifically, much needed funds will be put toward teacher training and recruiting college educated teachers. The majority of Head Start teachers will now have a college degree in early childhood development. I, personally, think this is essential. We need to provide strong resources and strong teachers that have an intimate knowledge of child development to assist families through some of the most difficult and vital childhood years.

Finally the substitute also cover areas that we are the Federal level have missed by providing a separate portion of funds directly to local grantees. Knowing the priorities and diverse needs of their individual communities, the local programs can use these funds to attend to individual children with concerns not addressed by other parts of the legislation.

Mr. Speaker, I have attempted only to highlight the strengths of the substitute in this brief synopsis, but I want to give my full endorsement for the entirety of the legislation being put forth today. With the fiscal constraints we are faced with in the Nation today, I believe it is essential to strengthen accountability and results and produce quality programs that ensure children's welfare is being promoted, and I feel comfortable and confident that this bill helps us do so.

I urge my colleagues to join me in support of the Goodling substitute to the Human Services Authorization Act of 1998.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this bill. It is imperative that we continue to fund projects that develop and enhance educational opportunities for our children. Reauthorizing the Community Services Block Grant and the Low-Income Home Energy Assistance program provides much needed aid to those who needed the most help.

It should be clear to all of us that education preserves the very qualities of humanity that we must uphold. As the great scholar Plutarch once wrote, "The very spring and root of honesty and virtue lie in good education."

By helping low-income families, Head Start provides financially-disadvantaged children the foundation for a good education, and it is this foundation that allows these children to excel in public schools. Such achievement can then carry them to college and beyond.

It is equally important to ensure the viability of Community Service Block Grants. This measure would continue the assistance that we already provide to States and local communities. Moreover, the measure continues the Federal government's partnership with a network of community action agencies and other neighborhood-based organizations as they strive to achieve the reduction of poverty, the revitalization of low-income communities, the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient.

Finally, it is vital that we provide adequate funds to the Low-Income Home Energy Assistance Program. With the ever-rising costs of home energy, we cannot forget those who often cannot afford such costs. All we have to do is look at my hometown of Houston, Texas, and the terrible heat crisis that resulted in loss of life. If we can provide assistance to low-income individuals, perhaps we could prevent future casualties.

Mr. ROEMER. Mr. Speaker, I rise in strong support of this Head Start bill. I would also like to commend the Committee Chairman, Mr. GOODLING, for his strong leadership on this important bill.

Mr. Speaker, I am a very strong supporter of the Head Start program, but have had

many concerns about the quality and the educational components of the Head Start program. I am pleased with this legislation because it further addresses quality and professional development. I am pleased that this legislation establishes "school readiness" as a goal of the Head Start program, and adds very specific education performance measures to the Head Start statute. The Head Start program has great potential, and I think that we should continue to strive to improve the educational components of this valuable program.

I am also pleased that this bill infuses more money into quality—such as professional development, teachers' salaries, and overall quality improvements. I believe that the Head Start program must not be expanded at the expense of quality.

Finally, this bill addresses professional development by identifying specific skills that each classroom teacher should be able to demonstrate, as well as upgrading the degree requirements for the program so that a majority of classroom teachers will have at least an associate's degree by 2003. I am pleased that this bill also includes an amendment that I offered that will strengthen professional development and the quality of the program. My amendment would require Head Start grantees to develop or adopt, in consultation with experts in child development and classroom teachers, an assessment or evaluation instrument to be used by Head Start grantees when hiring classroom teachers.

We need to ensure that our Head Start teachers have mastered the skills to advance the intellectual and physical development of the children, improve school readiness, establish a safe and healthy environment, and support the social and emotional development of children. Again, I appreciate the Chairman's fine leadership on this bill, and strongly urge my colleagues to support this legislation.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2206, as amended.

The question was taken.

Mr. MARTINEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3332) to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of

the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3332

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Next Generation Internet Research Act of 1998".

#### SEC. 2. FINDINGS.

(a) IN GENERAL.—The Congress finds that—  
(1) United States leadership in science and technology has been vital to the Nation's prosperity, national and economic security, and international competitiveness, and there is every reason to believe that maintaining this tradition will lead to long-term continuation of United States strategic advantages in information technology;

(2) the United States investment in science and technology has yielded a scientific and engineering enterprise without peer, and that Federal investment in research is critical to the maintenance of United States leadership;

(3) previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States;

(4) the Internet is playing an increasingly important role in keeping citizens informed of the actions of their government; and

(5) continued inter-agency cooperation is necessary to avoid wasteful duplication in Federal networking research and development programs.

(b) ADDITIONAL FINDINGS FOR THE 1991 ACT.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by—

(1) striking paragraph (4) and inserting the following:

"(4) A high-capacity, flexible, high-speed national research and education computer network is needed to provide researchers and educators with access to computational and information resources, act as a test bed for further research and development for high-capacity and high-speed computer networks, and provide researchers the necessary vehicle for continued network technology improvement through research."; and

(2) adding at the end thereof the following:

"(7) Additional research must be undertaken to lay the foundation for the development of new applications that can result in economic growth, improved health care, and improved educational opportunities.

"(8) Research in new networking technologies holds the promise of easing the economic burdens of information access disproportionately borne by rural users of the Internet.

"(9) Information security is an important part of computing, information, and communications systems and applications, and research into security architectures is a critical aspect of computing, information, and communications research programs."

#### SEC. 3. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

- (1) to authorize, through the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.), research programs related to—  
(A) high-end computing and computation;
- (B) human-centered systems;
- (C) high confidence systems; and
- (D) education, training, and human resources; and

(2) to provide, through the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.), for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on the research and development of a coordinated set of technologies that seeks to create a network infrastructure that can support greater speed, robustness, and flexibility than is currently available and promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(B) focus on research in technology that may result in high-speed data access for users that is both economically viable and does not impose a geographic penalty; and

(C) encourage researchers to pursue approaches to networking technology that lead to maximally flexible and extensible solutions wherever feasible.

(b) MODIFICATION OF PURPOSES OF THE 1991 ACT.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended by—

(1) striking the section caption and inserting the following:

#### "SEC. 3. PURPOSES."

(2) striking "purpose of this Act is" and inserting "purposes of this Act are";

(3) striking subparagraph (A) of paragraph (1) and redesignating subparagraphs (B) through (I) as subparagraphs (A) through (H), respectively;

(4) striking "Network" and inserting "Internet" in paragraph (1)(B), as so redesignated by paragraph (3) of this subsection;

(5) striking "and" at the end of paragraph (1)(H), as so redesignated by paragraph (3) of this subsection;

(6) in paragraph (2), by striking "efforts." and inserting "network research and development programs"; and

(7) adding at the end thereof the following:  
"(3) promoting the more rapid development and wider distribution of networking management and development tools; and  
"(4) promoting the rapid adoption of open network standards."

#### SEC. 4. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.

(a) PROGRAM ELEMENTS.—Subparagraphs (A) and (B) of section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)(A) and (B)) are amended to read as follows:

"(A) provide for the development of technologies to advance the capacity and capabilities of the Internet;

"(B) provide for high performance testbed networks to enable the research, development, and demonstration of advanced networking technologies and to develop and demonstrate advanced applications made possible by the existence of such testbed networks;"

(b) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended by striking "HIGH-PERFORMANCE COMPUTING" in the subsection heading.

#### SEC. 5. NEXT GENERATION INTERNET.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following new section:

#### "SEC. 103. NEXT GENERATION INTERNET.

"(a) ESTABLISHMENT.—The National Science Foundation, the Department of Energy, the National Institutes of Health, the National Aeronautics and Space Administration, and the National Institute of Standards and Technology may support the Next Generation Internet program. The objectives of



the Next Generation Internet program shall be to—

“(1) support research, development, and demonstration of advanced networking technologies to increase the capabilities and improve the performance of the Internet;

“(2) develop an advanced testbed network connecting a significant number of research sites, including universities, Federal research institutions, and other appropriate research partner institutions, to support networking research and to demonstrate new networking technologies; and

“(3) develop and demonstrate advanced Internet applications that meet important national goals or agency mission needs, and that are supported by the activities described in paragraphs (1) and (2).

“(b) DUTIES OF ADVISORY COMMITTEE.—The President's Information Technology Advisory Committee (established pursuant to section 101(b) by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7131), as amended by Executive Order No. 13092 of July 24, 1998), in addition to its functions under section 101(b), shall—

“(1) assess the extent to which the Next Generation Internet program—

“(A) carries out the purposes of this Act; and

“(B) addresses concerns relating to, among other matters—

“(i) geographic penalties (as defined in section 7(1) of the Next Generation Internet Research Act of 1998);

“(ii) the adequacy of access to the Internet by Historically Black Colleges and Universities, Hispanic Serving Institutions, and small colleges and universities (whose enrollment is less than 5,000) and the degree of participation of those institutions in activities described in subsection (a); and

“(iii) technology transfer to and from the private sector;

“(2) review the extent to which the role of each Federal agency and department involved in implementing the Next Generation Internet program is clear and complementary to, and non-duplicative of, the roles of other participating agencies and departments;

“(3) assess the extent to which Federal support of fundamental research in computing is sufficient to maintain the Nation's critical leadership in this field; and

“(4) make recommendations relating to its findings under paragraphs (1), (2), and (3).

“(c) REPORTS.—The Advisory Committee shall review implementation of the Next Generation Internet program and shall report, not less frequently than annually, to the President, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Armed Services of the Senate, and the Committee on Science, the Committee on Appropriations, and the Committee on National Security of the House of Representatives on its findings and recommendations for the preceding fiscal year. The first such report shall be submitted 6 months after the date of enactment of the Next Generation Internet Research Act of 1998 and the last report shall be submitted by September 30, 2000.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section—

“(1) for the Department of Energy, \$22,000,000 for fiscal year 1999 and \$25,000,000 for fiscal year 2000;

“(2) for the National Science Foundation, \$25,000,000 for fiscal year 1999 and \$25,000,000 for fiscal year 2000, as authorized in the National Science Foundation Authorization Act of 1998;

“(3) for the National Institutes of Health, \$5,000,000 for fiscal year 1999 and \$7,500,000 for fiscal year 2000;

“(4) for the National Aeronautics and Space Administration, \$10,000,000 for fiscal year 1999 and \$10,000,000 for fiscal year 2000; and

“(5) for the National Institute of Standards and Technology, \$5,000,000 for fiscal year 1999 and \$7,500,000 for fiscal year 2000.

Such funds may not be used for routine upgrades to existing federally funded communication networks.

## SEC. 6. STUDY OF EFFECTS ON TRADEMARK RIGHTS OF ADDING GENERIC TOP-LEVEL DOMAINS.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study, taking into account the diverse needs of domestic and international Internet users, of the short-term and long-term effects on trademark rights of adding new generic top-level domains and related dispute resolution procedures.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess and, as appropriate, make recommendations for policy, practice, or legislative changes relating to—

(1) the short-term and long-term effects on the protection of trademark rights and consumer interests of increasing or decreasing the number of generic top-level domains;

(2) trademark rights clearance processes for domain names, including—

(A) whether domain name databases should be readily searchable through a common interface to facilitate the clearing of trademark rights and proposed domain names across a range of generic top-level domains;

(B) the identification of what information from domain name databases should be accessible for the clearing of trademark rights; and

(C) whether generic top-level domain registrants should be required to provide certain information;

(3) domain name trademark rights dispute resolution mechanisms, including how to—

(A) reduce trademark rights conflicts associated with the addition of any new generic top-level domains; and

(B) reduce trademark rights conflicts through new technical approaches to Internet addressing;

(4) choice of law or jurisdiction for resolution of trademark rights disputes relating to domain names, including which jurisdictions should be available for trademark rights owners to file suit to protect such trademark rights;

(5) trademark rights infringement liability for registrars, registries, or technical management bodies;

(6) short-term and long-term technical and policy options for Internet addressing schemes and the impact of such options on current trademark rights issues; and

(7) public comments on the interim report and on any reports that are issued by intergovernmental bodies.

(c) COOPERATION WITH STUDY.—

(1) INTERAGENCY COOPERATION.—The Secretary of Commerce shall—

(A) direct the Patent and Trademark Office, the National Telecommunications and Information Administration, and other Department of Commerce entities to cooperate fully with the National Research Council in its activities in carrying out the study under this section; and

(B) request all other appropriate Federal departments, Federal agencies, Government contractors, and similar entities to provide similar cooperation to the National Research Council.

(2) PRIVATE CORPORATION COOPERATION.—The Secretary of Commerce shall request that any private, not-for-profit corporation established to manage the Internet root server system and the top-level domain names provide similar cooperation to the National Research Council.

(d) REPORTS.—

(1) IN GENERAL.—

(A) INTERIM REPORT.—After a period of public comment and not later than 4 months after the date of enactment of this Act, the National Research Council shall submit an interim report on the study to the Secretary of Commerce.

(B) FINAL REPORT.—After a period of public comment and not later than 9 months after the date of enactment of this Act, the National Research Council shall complete the study under this section and submit a final report on the study to the Secretary of Commerce. The final report shall set forth the findings, conclusions, and recommendations of the Council concerning the effects of adding new generic top-level domains and related dispute resolution procedures on trademark rights.

(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—

(A) INTERIM REPORT.—Not later than 7 days after the date on which the interim report is submitted to the Secretary of Commerce, the Secretary shall submit the interim report to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate, and to the Committee on Commerce, the Committee on Science, and the Committee on the Judiciary of the House of Representatives.

(B) FINAL REPORT.—Not later than 7 days after the date on which the final report is submitted to the Secretary of Commerce, the Secretary shall submit the final report to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate, and to the Committee on Commerce, the Committee on Science, and the Committee on the Judiciary of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$800,000 for the study conducted under this section.

## SEC. 7. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act—

(1) GEOGRAPHIC PENALTY.—The term “geographic penalty” means the imposition of costs on users of the Internet in rural or other locations, attributable to the distance of the user from network facilities, the low population density of the area in which the user is located, or other factors, that are disproportionately greater than the costs imposed on users in locations closer to such facilities or on users in locations with significantly greater population density.

(2) INTERNET.—The term “Internet” means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(b) ADDITIONAL DEFINITION FOR THE 1991 ACT.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks;"

□ 1230

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3332, the Next Generation Internet Research Act of 1998, amends the high-performance Computing Act of 1991 to authorize appropriations for the next generation Internet program for fiscal years 1999 and 2000. It was passed by a voice vote by the Committee on Science on May 13, 1998.

Today's Internet bears little resemblance to the original network that grew out of the work sponsored by the Defense Advanced Research Programs Agency and later by the National Science Foundation. What started out as a relatively small but important network linking Department of Defense and research university computers has exploded into a highly integrated worldwide system used largely by commercial and other enterprises. From 1998 to 2002, for example, the number of Internet users worldwide is expected to grow from 148 million to 477 million. Over the same period business-to-business electronic commerce is expected to grow from \$78 billion to \$300 billion.

The explosive growth in Internet traffic and its increasing importance to commerce and research has highlighted the need for new technologies to increase the speed and capacity of the system. Indeed the current system suffers limitations that could slow communications costing users both time and money. The NGI program will develop many of the technologies that will help the Internet keep pace with the increased demands placed on it.

I have long been supportive of the NGI program in concept but was initially reluctant to endorse the program because the administration had not developed an adequate plan on how it would be managed and how the funds would be spent. It was only in July 1997 that a draft implementation plan was put forward by the administration, too late for the Committee on Science to authorize the program in the First Session of the 105th Congress. With the release of the final implementation plan in February 1998 the committee felt it had a justifiable basis to move ahead with legislation to authorize the NGI program. The result is the bill before us today.

The NGI program will support R&D of advanced networking technologies

to improve Internet performance, develop an advanced testbed network to demonstrate new technologies and use new technologies to develop more sophisticated Internet applications. One major goal of this program is to connect 100 NGI sites at 100 times the speed of today's Internet and to connect an additional 10 NGI sites at a thousand times the speed of today's Internet.

Specifically the bill authorizes \$67 million for fiscal year 1999 and \$75 million for Fiscal Year 2000 for the NGI programs run by the following five agencies:

Department of Energy, National Science Foundation, the National Institutes of Health, NASA and the National Institute of Standards and Technology. None of the money authorized is to be used for routine upgrades but only for research related activities.

H.R. 3332 also authorizes research into improving Internet access for rural areas, minority institutions and small colleges and promoting technology transfer to the private sector. The President's Information Technology Advisory Committee is required to report annually to Congress and to the President about the NGI program's progress in these and other areas.

In addition the bill directs the Secretary of Commerce to sponsor a National Academy of Sciences study that will look at the effects on trademark rights of adding new top-level domain names and make recommendations on how best to protect trademarks in the growing cyberspace economy. Eight hundred thousand dollars is authorized for this study.

H.R. 3332 is an excellent piece of legislation that will enhance a variety of fields and services including national defense, weather forecasting, air safety, telemedicine, the media, and education and research. And if that is not enough, it will also improve the quality of Internet service provided to the average consumer.

I would like to take a moment to thank my colleague, ranking minority member of the Committee on Science, the gentleman from California (Mr. BROWN) for cosponsoring this bill with me. I believe we have crafted a bill that will earn the support of our colleagues on both sides of the aisle and both sides of the capital, and I thank the gentleman for all the time and insight he has contributed to this legislation. H.R. 3332 is an important and timely piece of legislation, and I ask my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3332, the Next Generation Internet Research Act of 1998. I want to congratulate the gentleman from Wis-

consin (Mr. SENSENBRENNER) the chairman of the Committee on Science and also the gentleman from California (Mr. BROWN) the ranking democratic Member, for their efforts to develop the bill and to bring it before the House.

H.R. 3332 authorizes the Next Generation Internet initiative which will support the research and development activities necessary to expand the capacity and capabilities to the Internet to meet the growing demands placed upon it. The applications that are straining the current Internet or even exceed its capabilities are coming largely from the research and education communities.

Achieving the goals of the Next Generation Internet initiative will require leading-edge research on networking hardware and software technologies. It also will require the creation of a large-scale high-performance testbed network. This testbed network will provide connectivity among many academic, industry and government user sites. It can then be used to implement challenging applications that will test the new networking technologies and ensure that they are scalable to the worldwide network.

In short, this initiative is a collaborative research project to develop and demonstrate next generation networking technology in a realistic network environment.

This bill will amend the high-performance Computing Act of 1991 to incorporate the Next Generation Initiative Internet initiative within the existing coordinated multi-agency research and development effort in advanced computing and network research. The bill provides general authority for agencies carrying out activities under the 1991 act to advance the capacity and capabilities of the Internet and to develop and demonstrate high-performance testbed networks.

In addition, this bill explicitly authorizes the participating agencies to implement this initiative and task that presidentially appointed advisory committee for high-performance computing and networking activities to provide periodic critical assessment of the initiative. The funding authorization provided by the bill is consistent with the level of the President's budget request, and the administration fully supports passage of this legislation.

The Internet is one of the best examples of a Federal research and development investment that resulted in significant public benefits. It is a growing and increasingly important communications medium for commerce as well as for education and research uses and for personal communications.

This initiative authorized by this bill builds on past successes of Federal R&D and provides support of research needed to accelerate the development



of the technologies. It will make it faster, more dependable, which will result from this initiative, enable new applications and crisis management and response, distance education, environmental monitoring, health care delivery and scientific research to name a few. In a very real way it will help shape the future, and I urge my colleagues to support and pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further speakers. Does the gentlewoman from Texas have any further speakers?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, as you know, the Committee on Commerce has a strong interest in the development of the Internet, and over the past year has held more than a dozen hearings on the subject of electronic commerce. Among the provisions in the legislation currently before the House are authorizations of appropriations for the National Institutes of Health to engage in activities related to its participation in the Next Generation Internet program, as well as a study on the addition of new generic top-level Internet domains. Both of these matters fall within the Commerce Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Mr. Speaker, I have reviewed these provisions and have no objections. At this point, I will insert in the RECORD an exchange of letters between Chairman SENSENBRENNER and myself regarding the Commerce Committee's desire to see this legislation move forward.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, September 11, 1998.

Hon. F. JAMES SENSENBRENNER, JR.,  
Chairman, Committee on Science, Rayburn  
House Office Building, Washington, DC.

DEAR JIM: On May 13, 1998, the Committee on Science ordered reported H.R. 3332, the Next Generation Internet Research Act of 1998. Among other provisions, this bill authorizes appropriations for the National Institutes of Health ("NIH") to engage in activities related to its participation in the Next Generation Internet program, as well as a study on the addition of new generic top-level Internet domains. Both of these matters fall within the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. Therefore, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over these provisions or similar legislation. In addition, the Commerce Committee reserves its authority to seek conferees on the provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I request that you support any request by the Commerce Committee for conferees on this or similar legislation.

I also request that you submit this letter for the record during consideration of H.R.

3332 on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
Washington, DC, September 11, 1998.

Hon. THOMAS BLILEY,  
Chairman, House Committee on Commerce,  
House of Representatives, Washington, DC.  
DEAR MR. CHAIRMAN: Thank you for your letter of September 11, 1998 concerning H.R. 3332, the Next Generation Internet Research bill.

I appreciate your willingness to waive consideration of the bill of the Committee on Commerce so that the Science Committee may expedite consideration of the bill on the floor of the House.

The Committee on Science acknowledges Commerce Committee jurisdiction over the National Institutes of Health and its telecommunications jurisdiction over Internet domain names. Recognizing this I will support your request for conferees on these provisions should the Science Committee seek a House-Senate conference that may be convened on this legislation.

I will submit this exchange of letters for the record during consideration of H.R. 3332 on the House floor.

Sincerely,  
F. JAMES SENSENBRENNER, JR.,  
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill, the Next Generation Internet Act of 1998, which amends the High Performance Computing Act (HCPA) of 1991 to expand our development of an Internet that is faster, more powerful, and more available to the people of the United States than ever before.

The Next Generation Internet (NGI) Program, created by this bill, authorizes funds from the National Science Foundation (NSF), the Department of Energy, NASA, the National Institutes of Health (NIH), and the National Institutes of Standards and Technology, to be spent on researching and developing advanced networking technologies which can be used to bolster the performance of the Internet, as we know it today.

As you all know, the Internet has become an important tool in the advancement of education, business, and even politics. For schoolchildren, it presents a window to the world, far less expensive than a set of encyclopedias, yet far more voluminous and varied. It is important for business, because it allows entrepreneurs to present their products in an interactive and compelling manner, which can also be easily adapted to satisfy the needs of the American, and international customer.

The Internet is important to the citizens of this great country because it gives each of them an equal voice. We receive hundreds of e-mails every month from concerned citizens, who feel obligated to participate in the political process, and who now have the ability to instantaneously reach their representative here in Congress. That is invaluable. We must continue to support programs like NGI, so that we can further mine the Internet for the good it can bring the global community.

I am also happy to report to you that this bill contains an important provision which I added during its markup in the Judiciary Committee.

The amendment directs the Advisory Committee to address and make recommendations on the participation of "Historically Black Colleges, Hispanic Serving Institutions, and small colleges and universities" in the Next-Generation Internet Program.

This important provision provides a tremendous benefit to minority serving universities and small colleges who need guidance on how to gain better access to the Internet, as well as how they can participate in exciting Internet research programs, like NGI. We cannot let these important institutions fall through the digital divide, and remain fundamentally "disconnected" from the rest of the world.

I strongly urge you all to join me in support of the Internet, and of these important institutions by supporting this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 3332, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read, "A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3332, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2112) to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The Clerk read as follows:

S. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Postal Employees Safety Enhancement Act".

**SEC. 2. APPLICATION OF ACT.**

(a) **DEFINITION.**—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after "the United States" the following: "(not including the United States Postal Service)".

(b) **FEDERAL PROGRAMS.**—

(1) **OCCUPATIONAL SAFETY AND HEALTH.**—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after "each Federal Agency" the following: "(not including the United States Postal Service)".

(2) **OTHER SAFETY PROGRAMS.**—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after "Government of the United States" the following: "(not including the United States Postal Service)".

**SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.**

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

"(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

"(A) shall consider—

"(i) the effect of such closing or consolidation on the community served by such post office;

"(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

"(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

"(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

"(v) such other factors as the Postal Service determines are necessary; and

"(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.)."

**SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.**

(a) **IN GENERAL.**—Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

**"§415. Prohibition on restriction or elimination of services"**

"The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.)."

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"415. Prohibition on restriction or elimination of services."

**SEC. 5. LIMITATIONS ON RAISE IN RATES.**

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

"(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, speaking for the gentleman from Pennsylvania (Mr. GREENWOOD), S. 2112 passed the Senate by unanimous consent on July 31, 1998. The bill is nearly identical to H.R. 3725 which was introduced by the gentleman from Pennsylvania (Mr. GREENWOOD). H.R. 3725 was passed by the Committee on Education and the Workforce on June 10 by voice vote, passed by the Committee on Government Reform and Oversight on July 23 by voice vote. S. 2112 allows the Occupational Safety and Health Administration to issue citations and fines against the U.S. Postal Service for violations of OSHA standards and requirements in postal facilities and workplaces. Under the Occupational Safety and Health Act of 1970 the Postal Service monitors its own compliance with OSHA requirements, and while OSHA may conduct inspections of postal facilities OSHA may not issue citations or penalties.

As the U.S. Postal Service competes more and more directly with private companies, it is appropriate that it do so on a level playing field with regard to such issues as compliance with safety and health regulations. Furthermore, worker safety has been a significant concern at the U.S. Postal Service, concern that has often been blamed in the lack of OSHA enforceability. For both of these reasons we believe it time to bring the postal service under OSHA enforcement. We are pleased that the Senate has agreed and has already passed this bill. By passing the Senate bill today we can send the bill on to the President for his signature.

I want to particularly commend the gentleman from Pennsylvania (Mr. GREENWOOD) for his efforts in moving his bill through two committees of the House and also commend Senator ENZI for moving his bill through the Senate, and I urge support for this legislation.

The U.S. Postal Service has raised two issues with the language of S. 2112. I would note that the Postal Service has raised these concerns only in recent days, after S. 2112 was passed by the Senate and companion bills were passed by two committees of the House. Nonetheless I do want to address the Postal Service's concerns.

First, the Postal Service expresses concern that S. 2112 does not include a delay in the effective date of the legislation. The Postal Service has, since 1970, been subject to section 19 of the Occupational Safety and Health Act, which obligates the Postal Service to "establish and maintain an effective and comprehensive safety and health program which is consistent with [OSHA standards.] So for the most part, S. 2112 does not subject the Postal Service to new standards and requirements. It

simply gives OSHA the authority to enforce those standards and requirements. However, there may be a few specific new requirements as a result of the enactment of S. 2112, particularly, with regard to recording injuries and illnesses. Similarly, some state OSHA programs, which under S. 2112 will have enforcement jurisdiction over Postal Service facilities in 21 states, may have requirements that deviate from the federal requirements which the Postal Service was required to meet under section 19.

Where there are these new requirements, I encourage the Postal Service to work with OSHA and the state programs on a reasonable period for coming into full compliance as quickly as possible. And I would expect that similarly OSHA and the state OSHA agencies would work with the Postal Service, to bring the Postal Service into full compliance as quickly as possible. Given the discretion that these enforcement agencies have, I do not believe that a legislated delay in effective date is necessary, particularly given the fact that for the most part the Postal Service has been long subject to most of OSHA's standards, and that where there are changes and new requirements, a reasonable time for coming full compliance can be worked out between OSHA or the states and the Postal Service.

Second, the Postal Service has raised concerns with the language used in section 5 of S. 2112. Section 5 amends section 3622 of title 39 of the U.S. Code to add the following provision: "Compliance with any provision of the Occupational Safety and Health Act of 1970 shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service." The Postal Service has claimed that this language could mean that the Postal Service would not be able to spend any funds generated from postal fees and rates to fund its safety and health programs and expenditures necessary to comply with OSHA standards, regulations, and the general duty clause.

This concern is unwarranted. First of all, the interpretation suggested by the Postal Service would be absurd: the purpose of S. 2112 is to improve safety and compliance with OSHA standards at Postal Service workplaces. The interpretation of section 5 suggested by the Postal Service would have the opposite effect. Secondly, the interpretation of section 5 suggested by the Postal Service is not required by the legislative language itself, and is clearly contrary to the legislative history, particularly the statements of Senator ENZI, who sponsored and wrote this legislation. During debate in the Senate, Senator ENZI explained that this provision is intended to "prevent the Postal Rate Commission from raising the price of stamps to help the Postal Service pay for potential OSHA fines. Rather the Postal Service should offset the potential for the fines by improving workplace conditions." (emphasis added) Senator ENZI's statement makes very clear that Section 5 is referring only to any penalties or fines that may be assessed against the Postal Service for not complying with OSHA requirements.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.



Mr. Speaker, I rise in support of S. 2112, the Postal Employees Safety Enhancement Act on behalf of the ranking Democrats on the committee and subcommittee, the gentleman from Missouri (Mr. CLAY) and the gentleman from New York (Mr. OWENS). As my colleague from Pennsylvania did such a thorough job describing this, I will not take too much time and keep my comments brief.

Currently the Federal agencies including the postal service are subject to OSHA inspections and are required to comply with OSHA standards. I agree that all public employees should enjoy full protection of OSHA and believe that when a Federal agency fails to fulfill its lawful obligation to comply with OSHA standards it should be subject to sanctions. However the Department of Labor and many State agencies currently lack the authority to issue citations to the Postal Service making enforcement very difficult. S. 2112 merely makes the Postal Service liable to the same extent as private employers for failure to comply with OSHA standards.

With regards to my colleague's comments earlier, there was talk about Section 5 of the act, and our side agrees that this is not a detriment to the Postal Service. Section 5 merely prohibits the Postal Service from raising the price of stamps to pay for potential OSHA fines that the Postal Service should be avoiding in the first place through improved working conditions. As a matter of fact, my only objection to this legislation is that it does not provide full or does not extend full OSHA protections to all public employees. However extending the full protection of OSHA to thousands of postal workers throughout the country is a worthy accomplishment, and this is a good first step.

I urge the Members to support S. 2112.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. I, too, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2112.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1245

#### RECESS

The SPEAKER pro tempore (Mr. PETRI). The House is awaiting the arrival of the managers of several bills that are scheduled, and therefore, will recess until 1 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 1 p.m.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 1 p.m.

□ 1300

#### HURFF A. SAUNDERS FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2032) to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building," as amended.

The Clerk read as follows:

S. 2032

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

*The Federal building located at 709 West 9th Street in Juneau, Alaska, shall be known and designated as the "Hurff A. Saunders Federal Building".*

#### SEC. 2. REFERENCES.

*Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hurff A. Saunders Federal Building".*

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 2032, as amended, designates the Federal building located in Juneau, Alaska as the "Hurff A. Saunders Federal Building."

Hurff Saunders was a resident of Alaska who played an instrumental part in the House and State's history both as a territory and as a State. He originally came from South Dakota to Ketchikan, Alaska prior to World War II where he accepted a civilian position with the United States Coast Guard.

During the war, he played a critical role in the ability of the United States Navy and Coast Guard to navigate the North Pacific waters by correctly determining the latitude and longitude of various key aids to navigation that were misidentified on official charts at the time.

Following the war, Mr. Saunders returned to a civil engineering position with the Federal Government. In this position, he supervised several public works projects, completing the projects on schedule and within budget.

In 1966, just prior to his retirement, Mr. Saunders successfully completed his final federal construction project,

the Juneau Federal Building, Post Office and United States Courthouse, which is the building we designate in his honor today.

This certainly is a fitting tribute to a dedicated public servant. I support the bill as amended and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2032 is a bill to designate the Federal building in Juneau, Alaska as Hurff A. Saunders. Mr. Saunders was a lifelong Alaskan who helped write chapters of Alaskan history.

He was the civil engineer for the United States Coast Guard and in charge of constructing the Juneau Federal building, which was completed on budget and on schedule. Mr. Saunders later supervised the many public works projects for the territory and later for the State of Alaska. His work on correcting the navigational charts for the waters in southeast Alaska aided the Navy and the Coast Guard during World War II.

Mr. Saunders was widely respected and viewed as a dedicated public servant, a devoted father, and beloved husband who lived a full life and died peacefully at the age of 94.

Mr. Speaker, the city of Juneau and the Juneau Rotary Club both passed unanimous resolutions supporting this designation, also the American Society of Civil Engineers and the Society of Professional Engineers adopted resolutions urging this distinction be bestowed upon Mr. Saunders.

It is fitting, and in recognition of his outstanding contributions to Alaskan life, that the Federal building in Juneau, Alaska be designated the Hurff A. Saunders Building.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the Senate bill, S. 2032, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the 'Hurff A. Saunders Federal Building'."

A motion to reconsider was laid on the table.

#### AARON HENRY UNITED STATES POST OFFICE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 892) to redesignate the Federal building

located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry United States Post Office," as amended.

The Clerk read as follows:

H.R. 892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

*The Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, shall be known and designated as the "Aaron Henry Federal Building and United States Courthouse".*

#### SEC. 2. REFERENCES.

*Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Aaron Henry Federal Building and United States Courthouse".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 892, as amended, designates the Federal building and the United States Courthouse located in Clarksdale, Mississippi, as the "Aaron Henry Federal Building and United States Courthouse."

Dr. Aaron Henry was a civil rights pioneer from the State of Mississippi. He was born in Clarksdale, Mississippi in 1921. He served in the United States Army, after which he returned to school and earned a degree in pharmacy from Xavier University in 1950.

In 1953, Dr. Henry organized the local branch of the NAACP and served as the State NAACP President from 1960 till 1993. He was instrumental in creating an integrated Democratic Party in Mississippi. He also participated in the Freedom Rider Movement which led to the passage of the Public Accommodations sections of the Civil Rights Act of 1964.

In 1979, Dr. Henry was elected to the Mississippi House of Representatives and held this office for two additional terms. On the national level, Dr. Henry assisted in securing Congressional support for the passage of the Office of Economic Opportunity, out of which came programs such as Head Start and Job Corps.

The naming of this Federal complex is a fitting tribute to a distinguished African American. I support the bill and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in favor of the Aaron Henry Federal Building and United States Courthouse. In doing so, I must say, Mr. Speaker, that I do

so out of great and personal respect for a man with whom I worked with when I was a young woman in the civil rights movement.

When I went south in 1963 as a student in the Student Non-Violent Coordinating Committee, Aaron Henry, in Mississippi, was a fearless freedom fighter who every day risked his life simply by living through each day as the President of the NAACP as a pharmacist at a time when the State of Mississippi was known throughout the world for racial terrorism. This is a man who did as much as any man alive to bring the black and white Mississippians together.

As a young lawyer, I represented the Mississippi Freedom Democratic Party before the 1964 Democratic convention when the Freedom Democrats, blacks who were excluded from participation in the Democratic Party in the State, challenged the official Democratic Party and delegation. Aaron Henry was the cochair of that delegation. It says everything about our country and about Dr. Henry, that he lived to become the chair of the Mississippi Democratic Party itself.

H.R. 892 is a bill to designate the Federal building in Clarksdale, Mississippi, and the Aaron Henry Federal Building and United States Courthouse.

Dr. Aaron Henry was a civil rights pioneer, a thoughtful mentor, scholar and great humanitarian. He led an active, committed, exemplary life. After attending the local public schools in 1942, he joined the Army and was a veteran of World War II. After the war, he attended and graduated from Xavier University in New Orleans. In 1953, Dr. Henry organized the Coahoma County branch of the NAACP and served as the state NAACP president.

From 1960 to 1993, during the 1960s, he participated in the Freedom Rider movement and in the Mississippi Freedom Summer's nonviolent campaigns of public protest.

Dr. Henry served on numerous boards, such as the Executive Committee of the NAACP, the Federal Council on Aging and the Southern Christian Leadership Conference. Acknowledging his contributions as a civil rights leader in 1979, the citizens of Coahoma County elected him to the Mississippi House of Representatives, where he was reelected in 1983 and 1987.

Dr. Henry was instrumental in securing passage of legislation which created the Office of Economic Opportunity, and was a strong advocate and spokesman for the Job Corps and Head Start. Dr. Henry was an active member of the Haven United Methodist Church, serving as lay leader. He was committed to community, educational and civil issues throughout his rich life. It is most fitting and proper that we support the gentleman from Mississippi (Mr. THOMPSON) and honor the great contributions of Dr. Henry.

It gives me personal pleasure to urge the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 892, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, as the 'Aaron Henry Federal Building and United States Courthouse'."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 892, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### SENSE OF THE CONGRESS REGARDING SLOBODAN MILOSEVIC

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

The Clerk read as follows:

H. CON. RES. 304

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas "ethnic cleansing" has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for



the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the "Tribunal"), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the amount of \$54,000,000 in assessed payments and more than \$11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—*

(1) the United States should publicly declare that it considers that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (Serbia and Montenegro), has committed war crimes, crimes against humanity and genocide;

(2) the United States should make collection of information that can be supplied to the Tribunal for use as evidence to support an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, and genocide a high priority;

(3) any such information concerning President Slobodan Milosevic already collected by the United States should be provided to the Tribunal as soon as possible;

(4) the United States should provide a fair share of any additional financial or personnel resources that may be required by the Tribunal in order to enable the Tribunal to adequately address preparation for, indictment,

prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo;

(5) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of information any such state may hold relating to allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo, and press such states to promptly provide all such information to the Tribunal;

(6) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of measures to be taken to apprehend indicted war criminals and persons indicted for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the Tribunal; and

(7) the United States should urge the Tribunal to promptly review all information relating to President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for most of this year, we have witnessed a repeat of the carnage and the havoc that the world experienced during the conflict in the former Yugoslavia at the beginning of the decade. Some people, not this Member, had a degree of optimism with the signing of the Dayton Peace Agreement some 3 years ago. However, now once again we are faced with the tragic spectacle of hundreds of thousands of innocent civilians made homeless, towns and villages in ruins, unknown numbers of persons dead or missing in Kosovo.

The architect of this misery is of Slobodan Milosevic, the very same individual who produced the Bosnian tragedy or at least contributed mightily to it and presided over the dissolution of what was once Yugoslavia, who brought poverty and misery to his own Serbian people by his policy and actions and who has sown the seeds of strident nationalism throughout the Balkans. Yet, despite this disgraceful record and his undeniable responsibility for what has occurred in the former Yugoslavia and what continues to this very day, the international community has been hesitant to indict

Milosevic for crimes at the International Criminal Tribunal for the former Yugoslavia, ICTY.

The distinguished chairman of our Subcommittee on International Operations and Human Rights, our distinguished colleague, the gentleman from New Jersey (Mr. SMITH), has introduced a resolution that simply puts the Congress on record that if anyone deserves to be indicted, it is Slobodan Milosevic.

□ 1315

An identical measure, S. Con. Res. 105, passed the Senate in July. We need to put Milosevic, and others who may be responsible for the savagery in Kosovo, on notice that they cannot escape culpability. It is important that Milosevic fully understands that the Congress is supportive of U.S. efforts to curb his vicious assaults on ethnic Albanian civilians in that area. Whatever his reasons, wanton attacks on civilians constitutes a grave breach of international law.

Our chairman, the distinguished gentleman from New York (Mr. GILMAN) has also called upon Secretary Albright to provide whatever collaborative information the U.S. might possess regarding any atrocities in Kosovo. The gentleman from New York (Mr. GILMAN) is requesting a review of the options, that the administration is prepared to pursue to make Mr. Milosevic cooperate with the international efforts to provide humanitarian assistance to those in need in Kosovo, and to permit displaced persons to return to their homes in safety.

Mr. Speaker, I understand Chairman GILMAN is awaiting the Secretary's response in view of the mounting severity of the situation and the approach of winter. Unless the United States and the international community acts swiftly in the next few weeks, we face the prospect of hundreds of thousands of displaced persons, women, children, and the elderly, becoming ill and dying in the cold which will soon set in the mountains of Kosovo.

Mr. Speaker, this is unacceptable, of course, and we must act now to prevent such a catastrophe. It is imperative that the House join our colleagues in the Senate and agree to this resolution today in order to send a strong message that Milosevic is accountable. I urge my colleagues to unanimously support H. Con. Res. 304.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH) the author of the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Nebraska (Chairman Bereuter), my good friend, for his excellent remarks and for yielding me this time.

Mr. Speaker, the newspapers each day report on the brutality and the military attacks on the civilians in Kosovo, and the prospects of a rising

death toll are more and more likely unless we press for a cease-fire and make certain that Milosevic understands that we will not allow the situation to drag on and on.

The news from the Kosovo front seems like *deja vu*, reminiscent of the wars in Croatia and Bosnia. The common thread in all of this destruction and war is Slobodan Milosevic. Today, Congress can go on record. Slobodan Milosevic must be held accountable for war crimes against humanity and genocide. The United States leadership must not ignore the compelling case of complicity which has been compiled against Milosevic.

In the *prima facie* case for Milosevic's indictment prepared by Paul Williams and Norman Cigar, they conclude that this, and I quote, "is a compelling and legal factual case that Slobodan Milosevic, through forces and agencies under his control, is responsible for directing and aiding and abetting war crimes on an extensive scale."

The *prima facie* case focuses on evidence from years of both the Croatian war and the Bosnian war. Mr. Williams directs the Public International Law and Policy Program at the Carnegie Endowment for International Peace, and Dr. Cigar, a research fellow at the Balkan Institute, was professor of national security studies at the U.S. Marine Corps School of Advanced Warfighting in Quantico, Virginia, and a senior political-military analyst for the Army Staff at the Pentagon. For the benefit of my colleagues, I submit a summary of their statement for the RECORD:

**WAR CRIMES AND INDIVIDUAL RESPONSIBILITY:  
A PRIMA FACIE CASE FOR THE INDICTMENT  
OF SLOBODAN MILOSEVIC**

(Prepared by Paul Williams and Norman  
Cigar, The Balkan Institute)

**EXECUTIVE SUMMARY**

When queried as to whether Slobodan Milosevic is ultimately responsible for the widespread and systematic atrocities that have been committed in the former Yugoslavia, most policy-makers will readily indicate that of course everyone "knows" that Slobodan Milosevic is responsible for the worst atrocities to plague Europe since WWII. They often add, however, that there is simply no "proof" that he ordered the commission of these atrocities.

Recognizing that it is not possible to orchestrate ethnic cleansing and genocide on the scale that has occurred in the former Yugoslavia without leaving some proof of one's responsibility, this study seeks to examine whether there is sufficient information available in the public domain to establish a *prima facie* case that Slobodan Milosevic is individually responsible for the commission of war crimes in the former Yugoslavia.

In order to ascertain Slobodan Milosevic's individual responsibility for war crimes, this study does not seek to develop any creative legal devices for attaching liability, but rather limits itself strictly to legal avenues as set forth in the statute, rules of procedure and evidence, and the previous indictments of the International Criminal Tribunal for

the Former Yugoslavia. Similarly, the study relies upon information that is widely available in the public domain, including accounts from senior Serb paramilitary leaders—such as "Arkan" and Vojislav Seselj—and officials in Slobodan Milosevic's own government, as well as information collected by international organizations and foreign governments.

Based upon an examination of the legal precedent of the International Criminal Tribunal and the publicly available evidence, this study concludes that there is a compelling legal and factual case that Slobodan Milosevic, through forces and agencies under his control, is responsible for directing and aiding and abetting war crimes on an extensive scale. Specifically:

Yugoslav Federal and Republic of Serbia forces and agencies and their paramilitary agents committed widespread atrocities in Croatia and Bosnia against both civilians and prisoners of war. These atrocities included the criminal acts of killing, expulsion, rape, detention in concentration camps, forced labor, torture, mutilation, and the looting and destruction of property. All of these acts were perpetrated on a large scale, and often with severe brutality.

Slobodan Milosevic, by virtue of his formal positions and informal power base, exercised power, influence, and control over the Yugoslav Federal and Republic of Serbia forces and agencies and their paramilitary agents responsible for the commission of war crimes.

By virtue of Slobodan Milosevic's official and/or effective control over forces responsible for the commission of war crimes, he may be held individually responsible for ordering, planning, or instigating those crimes.

By virtue of Slobodan Milosevic's official and/or effective control over Serbian Republic forces and agencies, such as Serbia's Ministry of Defense and Ministry of Internal Affairs, that were active in the initial organization of Serbian paramilitary agents, including the provision of financial resources and weapons, and that provided their paramilitary agents with access to Croatia and Bosnia, Slobodan Milosevic may properly be held individually responsible for the war crime of aiding and abetting the commission of war crimes.

Slobodan Milosevic, as the superior authority over Yugoslav Federal and Republic of Serbia forces and agencies, is individually responsible for failing to prevent or punish their commission of war crimes.

This study therefore finds that it is possible and reasonable to construct a *prima facie* case for the indictment of Slobodan Milosevic for the commission of war crimes in the former Yugoslavia.

Mr. Speaker, the evidence of war crimes, brutal killings, and other atrocities in Kosovo is, as I said, mounting with each and every passing day.

Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck, just returned in recent days from Kosovo. He makes a compelling case that, and I quote, "there is substantial evidence of war crimes and crimes against humanity, and violations of international humanitarian law \* \* \* [which are] \* \* \* subject to the jurisdiction of the International Criminal Tribunal for the former Yugoslavia."

Mr. Shattuck was accompanied by former Senator Bob Dole, head of the

International Commission on Missing Persons in the former Yugoslavia. In Mr. Dole's opinion editorial printed in today's Washington Post, he reminds us that "American officials have pledged not to allow the crimes against humanity that we witnessed in Bosnia to be repeated in Kosovo. From what [Mr. Dole] has seen, such crimes are already occurring," as he writes in the op-ed today. In fact, I would like to submit his very moving piece for the RECORD as well.

Mr. Speaker, Mr. Dole recounts a scene that is reminiscent of my own experience with Mr. Milosevic when the gentleman from Virginia (Mr. WOLF) and I met with him in Belgrade in September of 1991. At that time, Milosevic claimed that Yugoslav forces were not sending military jets to threaten and bomb Croatia, and yet both the gentleman from Virginia and I had personally witnessed overflights by two Yugoslav MIG fighters a couple of days before in the besieged town of Vukovar. In fact, in order to get to that town, we had to go through a corn field because it was surrounded by tanks and artillery and snipers. We saw devastated schools and churches and homes that had been leveled in a "scorched earth" policy. A couple of days later when we met with Mr. Milosevic, he denied it all and we had been eyewitnesses to it all.

Mr. Dole, in a like fashion, reports that Milosevic denied any Serbian offensives were being planned or undertaken for Kosovo. Not 24 hours after Mr. Dole and Mr. Shattuck departed, Serbian troops began a destructive offensive in the region of Pec. Milosevic thinks he can get away with lying. Certainly to date, the Serbian forces have escaped the scrutiny of the International Criminal Tribunal, and we need to make sure that does not continue to happen.

Mr. Speaker, the chief prosecutor, Louise Arbou, has already stated that the "nature and scale of the fighting [in Kosovo] indicate that an armed conflict, within the meaning of international law, clearly exists in Kosovo." As a consequence, she has said she intends to bring charges for crimes against humanity or war crimes if such evidence is established.

Mr. Speaker, I believe the case for the commission of war crimes will be made easily when the political will is established to proceed down that path, and so far that has been lacking. While the resolution we are considering today focuses on Milosevic and his culpability, there are a multitude of others who are on the run, some in Serbia. Even in recent weeks the Department of State has publicly admitted the United States has reason to believe that Mladic is in Serbia and the United States continues to pressure Milosevic to surrender the three Yugoslav military members who were indicted by the



Tribunal for their involvement in the destruction and crimes in Vukovar.

Mr. Speaker, Milosevic needs to get the message loudly and clearly. The resolution calls for the U.S. to collect and provide evidence of Milosevic's culpability to the International War Crimes Tribunal, and to date, to the best of our knowledge, we have not done so. The measure affirms Congress' support for the Tribunal and calls on the U.S. to engage our NATO allies in the provision of evidence helpful in the work of the Tribunal.

Mr. Speaker, I would alert Members that we are working to have a hearing on what is going on in Kosovo in the Helsinki Commission on Thursday. We hope to have Mr. Dole and Mr. Shattuck testify. We are working on the details of that right now.

This resolution, which I hope will pass unanimously, will put us clearly on record as saying let us collect that evidence and get it to the Tribunal. Let us stop putting the evidence aside, which is what we have been doing for all of these months and years with regard to Milosevic.

Mr. Speaker, innocent civilians—women, children, and men—are losing their lives, their livestock, their homes and their hope. We are getting reports that Serbian forces are attacking and killing civilians and then food supplies are being destroyed and crops in the field are being torched. A couple of weeks ago, three members of the Mother Theresa Society who were driving tractors and trailers filled with relief supplies were killed when attacked by a Serbian armored vehicle. Serbian officials had shortly before cleared the relief vehicles at a checkpoint. The relief had been provided by Doctors of the World which has since announced suspension of its assistance in Kosovo.

The Christian Science Monitor quoted a Kosovo school teacher, "First the police destroyed and looted our houses \* \* \* Then they surrounded us with tanks and separated the men from the women and children. They beat the men and took them away." With the blockade of humanitarian assistance and the scorched earth policies of the armed forces, food and provisions are being used as weapons of the war.

Mr. Speaker, I agree with Mr. Dole that Kosovo "is a political and military crisis, whose most visible symptoms are humanitarian. There should be no doubt that this is a war against civilians for political purposes." Just last week, Julia Taft, Assistant Secretary of State for Population, Refugees and Migration estimated that we will see 100,000 to 200,000 casualties in the next few months if the fighting and attacks are not brought to an abrupt end. With winter approaching, the hundreds of thousands of homeless and the estimated 50,000 or so who are living in the fields and forests will be particularly vulnerable. The numbers will only escalate.

I encourage the House to unanimously approve the resolution before us.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume only to commend the gentleman from

New Jersey (Mr. SMITH) on his excellent statement and on his initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. SMITH) for his leadership on this issue, and I am proud to join in support of this resolution.

Mr. Speaker, I think it is important we provide some background as to how the Congress got to the point where we are now considering declaring the President of Yugoslavia a war criminal. This process took many years.

It was years ago, visiting the Province of Kosovo, that I met time and time again with a frail, peace-loving scholar of enormous capabilities and deep convictions, Dr. Ibrahim Rugova, who was and continues to be the leader of the ethnic Albanian community in Kosovo. This was at a time when the problems of Kosovo could have been worked out peacefully without bloodshed, without the vast numbers of innocent victims, without the hundreds of thousands of refugees. But, Slobodan Milosevic's ruthless, reckless, irresponsible behavior brought us to the point of a bloodbath in Bosnia and now a bloodbath in Kosovo.

Fairness compels us, Mr. Speaker, to state categorically that Slobodan Milosevic is not the only person guilty of war crimes in the former Yugoslavia. There is plenty of guilt to go around and some leaders of all of the ethnic groups qualify for that designation. But today we are dealing with Slobodan Milosevic, the Yugoslav communist dictator who richly deserves to be branded a war criminal by the Congress of the United States.

Mr. Speaker, I also want to express my personal appreciation to former Senator Bob Dole for having visited this region just within the last week or so, demonstrating his continued commitment to human rights and the creation of democratic societies in the Balkans.

The United States, in this resolution, publicly declares that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia, has committed war crimes, crimes against humanity, and genocide.

These, unfortunately, are incontrovertible facts, and I join the gentleman from New Jersey (Mr. SMITH) in expressing the hope that this body will approve this resolution unanimously.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS), my good friend and colleague, the ranking member of the Subcommittee

on International Operations and Human Rights, for his very eloquent statement. Sometimes there are differences of opinion, Democrats and Republicans. But when it comes to human rights, we do link arm and arm. We have worked very well together over the years, and nowhere is that more apparent than in the Balkans and now with Kosovo being an area under siege.

Mr. Speaker, people literally are dying by the thousands. Refugees are in flight across and through Albania and elsewhere. I think we need to send as clear a message. Milosevic is laughing in our face. He has gotten away with it before. He has been, quote, our partner in peace at the Dayton Peace Accords. Regrettably, he gained stature through that and his gross misdeeds have been put under the table.

This resolution, and the fact that it has passed on the Senate side as well, I think puts everyone on notice that we will push hard until he is brought to justice. And I want to thank the gentleman from California (Mr. LANTOS) for his excellent statement.

Mr. LANTOS. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume, simply to conclude by saying congratulations and to commend the gentleman from New Jersey (Mr. SMITH) for sponsoring this legislation. He has brought to bear his considerable knowledge and experience in this region in an extraordinary fashion, working very cooperatively with the gentleman from California (Mr. LANTOS) and other colleagues.

Joining the gentleman from California (Mr. LANTOS) as original cosponsors were the gentleman from Illinois (Mr. PORTER) the gentleman from New Jersey (Mr. SMITH), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentlewoman from Florida (Ms. BROWN), the gentleman from Ohio (Mr. BROWN), the gentleman from Maryland (Mr. CARDIN), the gentleman from Ohio (Mr. HALL) and others.

So, Mr. Speaker, I do thank my colleagues, and to the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) I say thank you for your excellent work. I urge my colleagues to give their unanimous support to this resolution.

Mr. GILMAN. Mr. Speaker, for most of this year we have witnessed a repeat of the carnage and havoc that the world experienced during the conflict in the former Yugoslavia at the beginning of this decade. We took some pride when we believed that conflict to have been ended with the signing of the Dayton Peace Agreement some three years ago. Now, once again, we are faced with the tragic spectacle of hundreds of thousands of innocent civilians made homeless, towns and villages in ruins, unknown numbers of persons dead or missing in Kosovo.

The architect of this misery is Slobodan Milosevic, the very same individual who produced the Bosnian tragedy, and who presided over the dissolution of what was one Yugoslavia; who brought poverty and misery to his own Serbian people, and who has sown the seeds of strident nationalism throughout the Balkans.

The distinguished Chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey, CHRIS SMITH has introduced a Resolution that puts the Congress on record that if anyone deserves to be indicted it is Slobodan Milosevic. An identical measure, S. Con. Res. 105, passed the Senate in July. We need to put Milosevic and others who may be responsible for the savagery in Kosovo on notice that they cannot escape culpability.

I commend to everyone's attention the article by Senator Bob Dole in the Op-Ed section of today's Washington Post. Senator Dole just returned from a fact-finding mission in Kosovo. I quote from his article, "The war in Kosovo has many of the worst characteristics of the war in Bosnia. The primary victims of Serbian attacks are civilians. Humanitarian workers are denied access and often harassed and attacked. But it is not just the situation on the ground that is hauntingly familiar; it is also American and European diplomacy."

"Once again the victims are being asked to negotiate with those who are attacking them. In addition, there is an active attempt to impose a moral equivalence between Serbian forces and the small band of Albanians who have taken up arms against them."

I have written today to President Clinton the following letter:

DEAR MR. PRESIDENT: The on-going conflict in Kosovo has produced over a quarter of a million refugees and internally displaced persons—women, children and the elderly—who have been driven from their homes by a brutal Serbian campaign that has haunting similarities to what occurred in Bosnia earlier this decade. The President of Serbia and Montenegro, Slobodan Milosevic, has failed to keep his pledges and assurances throughout the course of this year to U.S. and other diplomats to permit these people to return in safety to their homes. Now, as the winter is fast approaching, we are facing an impending humanitarian disaster with the real prospect of seeing tens of thousands of vulnerable people freezing to death on the mountains and in the forests of Kosovo.

Mr. President, you have said that the United States would not permit another Bosnia to occur in the Balkans. I am appealing to you now, before it is too late, to keep faith with that commitment. It is imperative that the United States, with or without other members of the international community, act to force Milosevic to end his barbaric policies aimed at civilians in Kosovo. What we are witnessing now is not a diplomatic, political or military problem, it is a humanitarian one and we should address it on that basis.

As Senator Bob Dole has written in today's edition of the Washington Post:

"Half-measures and interim deals will not do. \*\*\* American officials have pledged not to allow the crimes against humanity that we witnessed in Bosnia to be repeated in Kosovo. \*\*\* What is urgently needed now is American leadership and a firm commitment to a genuine and just peace."

It is important that Milosevic fully understands that the Congress is supportive of U.S. efforts to curb his vicious assaults on Albanian civilians. Whatever his reasons, wanton attack on civilians constitutes a grave breach of international law.

It is critical, therefore, that the House joins our colleagues in the Senate and agree to this resolution today in order to send a strong message that Milosevic is accountable. Accordingly, I urge our members to support House Concurrent Resolution 304.

Mr. MORAN of Virginia. Mr. Speaker, with so much legislative business left to conduct this session, there may be some who are wondering why we should care about Slobodan Milosevic.

We should care because on March 23, 1989, Slobodan Milosevic unilaterally changed the Yugoslav Constitution, revoking the autonomous status of Kosova.

We should care because, in a referendum held in 1989, 87 percent of those Kosovars eligible to vote approved independence by an overwhelming 99 percent.

We should care because two of the most devastating wars in history began in the Balkans.

But most importantly, Mr. Speaker, we should care because Slobodan Milosevic has initiated his second genocidal campaign to maintain his dictatorship through terror.

When Milosevic sought to tighten his grip in Bosnia the world stood by and watched. We watched as Milosevic drove three million Bosnians from their homes. We watched as Milosevic ordered the killing of more than 250,000 Bosnians. And we watched as Milosevic directed the rape of 40,000 Bosnian women and girls.

How long will we watch in Kosova?

Although 90 percent of Kosovars are ethnically Albanian, Milosevic has denied them entry to schools, he has denied them access to jobs, and he has denied them access to government. By instituting his own police force, he has entrenched his generals of genocide in every Kosovan community.

A recent Washington Post story tells of one home in Kosova. The home was burning to the ground. Reporters saw Milosevic's police force running from the scene. When asked how the fire started, one officer grinned and replied that the house was burning "Because it was made of wood."

The Butcher of Belgrade is at it again. By inciting the worst elements of Serbian nationalism and by exploiting existing tensions between Albanians and Serbs, Milosevic has driven as many as 200,000 Kosovars from their homes. Mass graves are again common in the Balkans. Civilians are being butchered when they can be caught and terrorized when they escape.

There can be no doubt that Milosevic has proven he is unworthy of stewardship over this place. It is incumbent upon us to ensure that he is held accountable for these atrocities and that he never commits them again.

Mr. Speaker, if we believe people have the right to be safe and secure in their homes—if we believe people have the right to live free from the fear of being murdered or raped because of their race—then we must stop this madman.

I urge my colleagues to join me in strong support of this resolution.

Mr. LEVIN. Mr. Speaker, I strongly support House Concurrent Resolution 304, which expresses the sense of Congress that the United States should publicly declare that it considers there to be probable cause that Slobodan Milosevic has committed war crimes, crimes against humanity and genocide. The resolution urges the International Criminal Tribunal for the former Yugoslavia to promptly review all information relating to Milosevic's possible criminal culpability with a view toward issuing an indictment. I am proud to be a cosponsor of this resolution.

Mr. Speaker, there is no justification for the massacre of hundreds of ethnic Albanians in Kosova. The pattern in Kosova is tragically all too familiar. The Serbian Army shells and burns villages. Among the dead are innocent men, women and children. More than a quarter of a million people in Kosova have already been driven from their homes since February. In addition, the U.S. government has received first-hand reports that Yugoslav military forces are separating males and females in villages and refugee groups in Losova and taking the men and boys to unknown sites.

This brutal, indiscriminate, disproportionate and unjustified use of violence must end. What Mr. Milosevic is about in Kosova, as in Bosnia before this, is ethnic cleansing on a massive scale.

It is important that the international community stand united against death and destruction inflicted on Kosova by Serbia. The crisis in Kosova is not—as some have described it—an "internal affair" of Serbia. We must speak loudly and clearly. More than that, the time has come to back up words with actions. If the United States and the international community fail to take effective action to stop the violence in Kosova, the likelihood is that the conflict will grow and spread.

I urge the President and Secretary Albright to take a hard line against Slobodan Milosevic's repressive policies. To that end, I recently joined more than 80 concerned Members of the House in writing a letter to the President that said, "It is time to send a message to Milosevic that NATO will intervene if Serbian forces do not stop attacking ethnic Albanian citizens and destroying their villages."

Experience has shown that we cannot rely on Slobodan Milosevic's words. We must judge him by his actions and hold him accountable. House Concurrent Resolution 304 is an important step in that direction. It should by no means be the last step.

The horrendous killing and shelling of civilians must stop. I urge all my colleagues to support House Concurrent Resolution 304.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 304.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.



The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceeding on this motion will be postponed.

□ 1330

# CALLING ON GOVERNMENT OF CUBA TO EXTRADITE JOANNE CHESIMARD TO UNITED STATES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) calling on the Government of Cuba to return to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba, as amended.

The Clerk read as follows:

H. CON. RES. 254

Whereas on May 2, 1973, Joanne Chesimard and 2 friends were stopped in their vehicle by New Jersey State Troopers James Harper and Werner Foerster on the New Jersey Turnpike;

Whereas while being questioned, Ms. Chesimard and the driver opened fire with automatic pistols striking Trooper Werner Foerster twice in the chest and Trooper James Harper in the left shoulder;

Whereas the suspects then turned Trooper Foerster's own weapon on him firing an additional two bullets into his head execution style;

Whereas this heinous and premeditated act resulted in the tragic death of New Jersey State Trooper Werner Foerster;

Whereas Trooper Foerster left behind a wife, Rose Foerster, and family;

Whereas in 1977, after a 6 week trial, a jury found Ms. Chesimard guilty of first-degree murder for the slaying of Trooper Foerster, a respected New Jersey State Trooper;

Whereas as a result of this conviction Ms. Chesimard was sentenced to life in a New Jersey State prison;

Whereas in 1979, Ms. Chesimard broke free from a maximum security cell at the Reformatory for Women in Clinton, New Jersey, with the help of 4 men who took a guard and prison van driver hostage;

Whereas after escaping prison, Ms. Chesimard fled to Cuba for political asylum;

Whereas the Federal Bureau of Investigation lists 77 felony fugitives known to have been granted safe haven by the Cuban Government, including Robert Vesco, Frank Terpil, and Victor Gerena, wanted for, or convicted of, violent crimes, including murder, robbery, kidnapping, air piracy, and terrorism;

Whereas these individuals have been indicted or convicted of criminal offenses in the United States and have not paid their debt to society;

Whereas people in New Jersey were shocked and outraged to see television interviews showing Ms. Chesimard living freely in Cuba, portraying herself as the victim and denying any crimes against Trooper Foerster;

Whereas the Governor of New Jersey, Christine Whitman, has requested Federal assistance from Attorney General Janet Reno for the return of Ms. Chesimard; and

Whereas Members of Congress have petitioned Secretary of State Madeleine Albright requesting that the Department of State do everything in its power to have Joanne Chesimard, and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba, returned to the United States in order for them to face prosecution or confinement in the United States: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—*

(1) the Government of Cuba should extradite to the United States convicted murderer Joanne Chesimard in order for her to complete her life sentence for the murder of New Jersey State Trooper Werner Foerster;

(2) the Government of Cuba should extradite to the United States all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba in order for them to face prosecution or confinement in the United States; and

(3) the extradition from Cuba to the United States of all individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living in Cuba should be a top priority for the United States Government.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

I strongly support this resolution which calls on the Cuban regime to return Joanne Chesimard to the United States. It is shameful and unacceptable that Fidel Castro continues to harbor murderers and other hardened criminals like Ms. Chesimard. The victims of her crime, New Jersey State trooper Werner Foerster and his widow Rose and their family, have been denied justice by Fidel Castro.

In approving this resolution, the committee made an amendment which underscores that "the Federal Bureau of Investigation lists 90 felony fugitives known to have been granted safe haven by the Cuban government." These include Robert Vesco, Victor Gerena, who is on the FBI's top 10 most wanted listed, and Frank Terpil, a rogue CIA agent wanted for selling explosives to Libyan dictator Mu'ammarr Qadhafi.

I commend the gentleman from New Jersey (Mr. FRANKS) for sponsoring this resolution. Our colleague on the committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is a cosponsor, as is the gentleman from Florida (Mr. DIAZ-BALART); in addition, the gentleman from New Jersey (Mr. MENENDEZ) who is also a member of our committee. They have been steadfast advocates for the Foerster family, and I thank them for their efforts.

I would additionally like to thank New Jersey Governor Christine Todd Whitman for exercising personal lead-

ership in pressing for the passage of this resolution calling on the Cuban government to see that justice is done for the Foerster family. This terrible tragedy dragged on far too long, due exclusively to Fidel Castro's intransigence. Accordingly, I urge my colleagues to join me in supporting H. Con. Res. 250.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Con. Res. 254, calling on the government of Cuba to return to the United States convicted felon Joanne Chesimard and all other individuals who fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba.

Providing a safe haven for fugitives from prosecution in the United States is one of the many concerns that we had with the government of Cuba. The case of Joanne Chesimard is particularly egregious and we are right to call this body's attention to it. Chesimard was sentenced to life for the murder of a New Jersey State trooper. She escaped from prison, fled to Cuba where she is currently living.

I strongly urge the adoption of this resolution, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), who has been very much involved in this issue as well.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman for yielding me the time.

I am very proud to be one of the cosponsors of H. Con. Res. 254, which condemns the government of Cuba for harboring Joanne Chesimard and other fugitives who have committed brutal crimes in the United States. I want to thank my good friend and colleague, the gentleman from New Jersey (Mr. FRANKS) for introducing this important resolution and working for its passage.

As most of us here know, Joanne Chesimard was convicted in 1977 of first degree murder and sentenced to life in prison for her brutal execution style murder of trooper Foerster. She escaped from jail in 1979 and subsequently fled to Cuba where she was given political asylum. This escaped murderer now lives a very comfortable life in Cuba and has launched a public relations campaign in which she attempts to portray herself as an innocent victim rather than a cold-blooded murderer.

The protection Chesimard and others enjoy in Cuba is yet another example of the lawlessness of the Castro dictatorship. The only truly satisfactory solution is democracy and self-determination for the people of Cuba. In the

meantime, however, I believe it is shameful that the Clinton administration has made deal after deal with the Castro government, giving concession after concession, while Chesimard and other felons are living the high life in Havana.

I would like to thank members of the Committee on International Relations. They backed some amendments that I had offered during markup which changed some of the wording. The bottom line is we need to make sure that we bring these murderers and felons, and there are many of them, to justice. For the family, the Foerster family, that lost its loved one, we will not rest until she is behind bars where she belongs for the rest of her life.

I want to thank, again, my good friend, the gentleman from Jersey (Mr. FRANKS) for offering this. I hope that it will get the full support of the body.

Mr. FRANKS of New Jersey. Madam Speaker, I rise today to urge my colleagues to support the passage of H. Con. Res. 254, a resolution which I introduced on March 30.

It calls upon Fidel Castro, the dictator of the imprisoned island of Cuba, to return to the United States all the fugitives from American justice that he is harboring in his country.

Under Castro, Cuba has become a haven for terrorists, murderers, rapists, kidnappers and drug dealers who have sought refuge in Cuba in order to avoid prosecution and imprisonment in the United States. According to the FBI, there are now 77 American fugitives living in Cuba.

Let me tell you about one of them.

Earlier this year, I was shocked to turn on the local television news and see Joanne Chesimard, a cold-blooded cop killer, living freely in Cuba.

Twenty-five years ago, Joanne Chesimard gunned down two state troopers on the New Jersey Turnpike. After firing at Trooper Werner Foerster and hitting him twice in the chest, Chesimard grabbed the trooper's gun and fired two more bullets execution-style into his head.

Six years later—after serving just two years of a life sentence for first-degree murder—a group of revolutionaries assisted her in a daring and successful escape. She has been given a new, comfortable life in Cuba—thanks to Fidel Castro.

It's a tragic irony that while some of America's most vicious killers live comfortable lives in Cuba, many of Cuba's own natives languish in prisons merely for speaking out against the communist dictatorship.

This resolution sends a strong message to Castro: Return Joanne Chesimard and all the other felons you are harboring. They must be returned to the United States so that they can be sent to prison in order to serve out their full sentences and repay their debt to society.

Mrs. ROUKEMA. Madam Speaker, I rise today in strong support of H. Con. Res. 254.

Twenty-five years ago, in 1973, Joanne Chesimard ruthlessly gunned down two New Jersey State Troopers on the New Jersey Turnpike.

She approached one of the wounded Troopers, who laid bleeding and dying, grabbed his

own gun and fired two shots, point-blank, execution style in the back of his head.

Chesimard was captured and convicted of this brutal murder and sent to prison.

She broke out of prison and now lives freely in Cuba just 90 miles off the U.S. coast.

She is not alone, many other convicted felons live in Cuba. This Resolution calls for justice to be served. It demands that Castro extradite Chesimard and other criminals so they can face justice in the U.S.

Justice must be served. It is cruel and morally wrong for Cuba to allow a safe harbor for these criminals while Cuba has sent its own religious leaders to suffer in prison.

I stand united with the families of the slain, the New Jersey State Police, and all citizens of New Jersey in demanding Cuba return Joanne Chesimard.

I strongly urge my Colleagues to support this resolution.

Mr. PAPPAS. Madam Speaker, on May 2, 1973 a terrible tragedy occurred in the State of New Jersey when Joanne Chesimard killed New Jersey State Trooper Werner Foerster leaving behind his wife and family. Ms. Chesimard was sentenced to life in prison for this heinous crime in our state and rightly so. But she escaped and fled to Cuba where she has the high life. She sips pina colodas, walks on the white sandy beaches, and swims in the crystal clear water. This is a grave injustice.

This is wrong and our government must do everything in its power to bring her back to serve out her sentence. Instead, the Clinton administration talks of easing the embargo knowing that Cuba is harboring violent criminals.

Fugitives such as Chesimard are cowards and for Cuba to invite them in and treat them like royalty is clearly wrong. I urge Secretary Albright and Attorney General Reno to do all they can to bring these criminals back to the U.S. to face justice.

I co-sponsored this legislation because I want our government to use all means possible to pressure Cuba to return Ms. Chesimard and every other criminal which Cuba harbors. We must fight for justice.

I commend Congressman FRANKS and Governor Whitman for being such strong advocates of this cause and I welcome the passage of this legislation.

Mr. GILMAN. Madam Speaker, it is the time to send a unequivocal signal to Fidel Castro that the United States Congress finds his regime's harboring of terrorists, murderers and other hardened criminals wanted in the United States shameful and unacceptable.

H. Con. Res. 254 draws attention to the cold-blooded murder twenty-five years ago of a New Jersey State Trooper, Werner Foerster. Joanne Chesimard was convicted of this heinous murder but, in 1979, escaped to Cuba.

Joanne Chesimard now lives under Fidel Castro's protection in Cuba. Back in New Jersey, Trooper Foerster's widow and family are denied the justice of seeing the woman who took him from them pay for her crime.

This is not an isolated case. Our Federal Bureau of Investigation lists 90 felony fugitives known to have been granted safe haven by the Cuban government.

This resolution has broad bipartisan support. The gentleman from New Jersey, Mr. FRANKS

sponsored this resolution with our colleague on the Committee, the gentlelady from Florida, Ms. ROS-LEHTINEN and the gentleman from Florida, Mr. DIAZ-BALART. the gentleman from New Jersey, Mr. MENENDEZ, who is also a member of our Committee, has for years supported the Foerster family's efforts to bring Joanne Chesimard back to the United States to serve her sentence.

I would like to recognize New Jersey Governor Christine Todd-Whitman who wrote to me to ask that we pass this resolution.

Just today, we have had another sobering reminder of Fidel Castro's undiminished efforts to attack American interests. the FBI announced in Miami that ten people have been charged with spying for the Cuban government by trying to penetrate our Miami-based U.S. Southern Command, MacDill Air Force Base in Tampa, and the Boca Chica Naval Air Station in Key West.

The FBI reports that Castro's spies also sought to infiltrate Cuban-American groups and manipulate other political groups and the U.S. media.

Accordingly, I urge my colleagues to join me in supporting H. Con. Res. 254.

Mr. LANTOS. Madam Speaker, I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I urge unanimous support for this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254, as amended.

The question was taken.

Mr. BEREUTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PROMOTING INDEPENDENT RADIO BROADCASTING IN AFRICA

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 415) to promote independent radio broadcasting in Africa.

The Clerk read as follows:

H. RES. 415

Whereas Africa's numerous ethnic groups, with an estimated 2,000 languages and dialects, have long been isolated from each other;

Whereas radio is the primary means of transmitting vital information in Africa and linking African populations;

Whereas poverty, illiteracy, and logistical difficulties make television and the print media less utilized means of communication;

Whereas radio is not only compatible with Africa's oral traditions, but has the added benefit of being affordable and adaptable;

Whereas African radio stations generally are owned and operated by governments, which being aware of radio's power often



deny or delay applications for proposed independent radio stations, harass officials or staff of independent radio stations, or close independent radio stations;

Whereas 53 independent journalists in Africa have been killed over the past 8 years, 42 other journalists were imprisoned last year alone, and hundreds of others have been threatened, harassed, or even physically assaulted;

Whereas standards of journalistic professionalism often are low in Africa, which causes problems of accuracy in reporting that often lead governments to overreact and apply repressive legal remedies against the media, including radio broadcasts;

Whereas biased government radio broadcasts have promoted ruling parties and limited coverage of opposition political parties, while inhibiting the free flow of information necessary for citizens to effectively exercise their electoral choices, thus undermining democracy;

Whereas the promotion of independent ownership of local radio operations in Africa is a useful tool for advancing the United States foreign policy objective of promoting democracy and human rights;

Whereas the phenomenon of "hate radio" has fueled genocide in countries such as Rwanda, in which an estimated half million persons were killed in a largely ethnic purge in 1994;

Whereas surrogate broadcasting, which consists of locally generated news on issues of local concern, has been well demonstrated as a vehicle to promote democracy and human rights in repressed regions and countries throughout the world;

Whereas the Voice of America has designed the "Radio Democracy for Africa" project to create a surrogate radio operation throughout Africa to promote democracy and human rights; and

Whereas the African Growth and Opportunity Act calls for the United States Information Agency to use its broadcasts to promote economic reforms in addition to its current promotion of political reforms: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the creation and operation of the Voice of America's surrogate radio project known as "Radio Democracy for Africa" which includes journalist training and journalist exchange components;

(2) urges the United States Information Agency to expand its economic, political, and human rights programming in Africa to support indigenous efforts aimed at promoting democratization, human rights, economic development, and good governance;

(3) calls on the Agency for International Development to adopt a comprehensive strategy for the promotion of free and independent African media, especially radio, by supporting journalist and other media training programs, assisting in the development of African media associations, facilitating the creation of African news gathering and delivery networks, and encouraging the use of radio as an educational medium on a variety of topics, including but not limited to democracy, human rights, and economic development;

(4) calls on the United States Government to encourage local and foreign investment in independent local radio operations in Africa;

(5) urges the United States Government to make freedom of speech and the safety of journalists a priority in discussions with African governments on democracy and human rights;

(6) encourages the United States Government to use all reasonable means to help safeguard the operation of independent radio stations and the legitimate activities of journalists in African countries; and

(7) urges the United States Government to support and assist the development of mechanisms and institutions for the protection of independent journalists and to discourage the now frequent use of draconian laws and government policies inhibiting freedom of speech in Africa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

#### GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

H. Res. 415, a resolution supporting the development of Radio Democracy for Africa, was sponsored by the gentleman from California (Mr. ROYCE). This resolution promotes independent radio broadcasting in Africa through the Voice of America. It calls for VOA to provide journalistic training and for USIA to expand its economic, political and human rights programming in Africa to support indigenous efforts aimed at promoting democratization.

The administration supports this enhanced broadcasting effort in Africa and VOA is working to get expanded programming on the air. This is an appropriate use of international broadcasting funds. Many African nations are struggling for peace and democracy. Hopefully the efforts encouraged by this resolution will put into force a strong and comprehensive international broadcasting program throughout the African continent to assist emerging democracies.

I commend my colleague who will speak soon, the gentleman from California (Mr. ROYCE) for his initiative and for that of my other colleagues in offering this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

First let me commend our colleagues, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ), chairman and ranking member respectively of the Subcommittee on Africa of the Committee on International Relations, for crafting this most important resolution. I strongly support this resolution.

The resolution calls for our government to lend support to free media in Africa through a number of avenues, including the creation of a Voice of America project adopting a comprehensive assistance strategy to have free media in Africa.

At the present time, Madam Speaker, VOA broadcasts 87½ hours weekly to Africa in 10 different languages. This measure calls to expand this program both in terms of its quantity and its coverage. My expectation is that as a result of this effort, media freedom will be strengthened in a number of countries in Africa. We need to assist the countries of Africa to develop mechanisms and institutions that protect the independence of journalists and discourage laws and government policies that inhibit the freedom of the press, which unfortunately is the state of affairs in far too many countries of that continent.

The Voice of America historically has played a significant role in bringing news and information, free and unbiased to the African continent. I particularly commend the authors' foresight in calling on the United States Government to support efforts by the people of Africa to build their own free and independent African media and to assist them in their efforts to promote democracy, human rights, economic development and good government.

I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE) in support of the resolution. Our colleague from California has brought invigorated leadership to the Subcommittee on Africa. His sponsorship of this legislation, along with the cosponsorship in original form by the gentlemen from New Jersey (Mr. MENENDEZ) and (Mr. SMITH), are examples of the leadership he has brought to American foreign policy with respect to Africa.

Mr. ROYCE. Madam Speaker, today radio broadcasting in much of Africa, as in other places in the world, is dominated by governments which operate national radio stations and all too often frustrate independent radio stations.

African governments, those that are repressive, do this because air wave control is real power, the power to control the information that their citizens receive. Radio's power is particularly great in Africa where poverty and logistical difficulties have made radio Africans' primary source of information. Televisions are few and far between in many African countries, and newspapers are largely confined to the cities. Radios, though, in Africa reach everyone. Radio's power is also why African governments often frustrate the licensing of independent radio stations

and harass and brutalize and at times even kill independent radio journalists.

As long as this situation prevails, as long as some African governments can shape how their citizens think and feel about their country and their lives, many of the achievements we are hoping to see African countries make, like greater democracy, the protection of human rights, economic development, will be frustrated.

This resolution brings attention to the importance of radio broadcasting in Africa as a means of realizing these goals, and it lends support to an important administration initiative, Radio Democracy for Africa.

Radio Democracy for Africa is designed to increase surrogate radio broadcasting to Africa through the Voice of America. Surrogate radio, the process by which local journalists broadcast to their countrymen about local issues with foreign support, has proved to be effective in promoting the values of freedom and democracy. This was the case behind the iron curtain during the Cold War. It is the case in parts of Asia today.

Africa should not be an exception. We should support greater independent radio broadcasting in Africa and that is what this resolution does. Fostering independent radio broadcasting in Africa is all the more important given the specter of genocide by hate radio. Uncontested hate broadcasts contributed to the 1994 genocide in Rwanda that claimed more than half a million lives. Ominously hate radio broadcasts are being heard again in Central Africa.

□ 1345

While U.S.-supported surrogate radio, that is, radio to help break government monopolies on information, does not guarantee against brutality, it can help combat it. A greater American effort to allow Africans to hear alternative views, views supportive of democracy and reconciliation, is desperately needed. It is my hope that Radio Democracy for Africa will be a start.

This House Resolution also calls for the U.S. to provide diplomatic and technical support to independent radio in Africa, all within existing budgets. It also encourages journalistic exchanges. Greater professionalism by Africa radio journalists is needed. This resolution also asks the administration to focus on the protection of African radio journalists, many of whom show tremendous bravery. The committee to Protect Journalists has brought to life the life-threatening conditions that many African journalists face. This resolution asks that these brave men and women be supported in their struggle.

I ask my colleagues to support this resolution, and, Madam Speaker, I thank my colleague, the gentleman

from New Jersey (Mr. ROBERT MENENDEZ), and the gentleman from New Jersey (Mr. SMITH) for their support as co-authors.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume to commend the gentleman for his exceptional statement and his initiative.

Mr. GILMAN. Madam Speaker, I rise in support of H. Res. 415, a resolution supporting the development of Radio Democracy for Africa. Through this resolution, we are encouraging VOA to promote independent radio broadcasting throughout Africa. A free and independent media is a cornerstone to democracy development. The VOA has a solid reputation in Africa, and field visits to several countries by the Director of VOA underscored the importance and interest in receiving journalism training. Developing an indigenous core of journalists coupled with more targeted VOA programming will help build an independent media and provide objective news sources.

Support for democracy must be a major policy objective in Africa. International broadcasts and media development in the region serves this vital policy direction.

This resolution demonstrates Congressional support for the enhanced program efforts by the VOA. At a time of continued unrest in certain African countries, a comprehensive broadcast and training program is the right thing to do at the right time.

Mr. SMITH of New Jersey. Madam Speaker, I rise in support of H. Res. 415, to promote independent radio broadcasting in Africa. I am proud to be one of the original cosponsors of this resolution introduced by my friend, Mr. ROYCE, the Chairman of the Subcommittee on Africa.

Radio is probably the most important mass communications medium in Africa, a continent plagued by numerous conflicts and crises. Radio is the primary means of transmitting vital information between African populations. It has the potential to do much good—both as a source of independent, accurate news, and as a catalyst for humanitarian, democratic, and economic progress. Unfortunately, it also has been subject to abuse. As many here will recall, ethnic "hate radio" fanned the flames of the 1994 genocide in Rwanda, which claimed upwards of half a million lives.

The freedom, independence, and professionalism of African radio are becoming increasingly important to the future prospects of that continent. Thus, House Resolution 415 makes clear that this House supports surrogate broadcasting and the training of African journalists through the Voice of America's "Radio Democracy for Africa" project; urges the expansion of USIA's economic, political, and human rights programming in Africa to support indigenous programming in those areas; urges the Agency for International Development to adopt a comprehensive strategy to promote free and independent African media; and urges the United States Government to support freedom and independence for African radio journalists through several means, such as foreign investment and inter-governmental dialogue.

I encourage all my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 415, "A Resolution Promoting Independent Radio Broadcasting in Africa." I support this bill for several reasons. First, radio is the primary forum of transmitting information in Africa. The African continent is paralyzed by poverty, illiteracy, and logistical difficulties making television and print media a less effective means of communication. This resolution seeks to promote and enlarge this vital link of communication to the African continent.

For the most part, African radio stations are controlled and managed by the governments in these African nations. These governments are aware of the power and influence which radio stations project in the region. In Rwanda, the power of radio was used to fuel the genocide in 1994. Governments in Africa, fearing the power of radio, will often deny or delay applications for proposed independent radio stations. African governments will harass officials or staff of independent stations, or close stations which openly disagree with the government's policy. In the last eight years numerous journalists have been imprisoned and even killed.

Given the power of radio and the interference displayed by African governments, the House should support the creation and operation of the Voice of America's surrogate radio project known as "Radio Democracy for Africa." This project is vital in our continuing efforts to promote democracy and human rights.

During the President's recent trip to the African continent, the President expressed a willingness to increase America's political and economic ties on the continent. This resolution will encourage democratization, human rights improvement, and economic development through the medium of radio.

This resolution will call on the U.S. government to encourage local and foreign investment in independent local radio in Africa. It will also make the improvement of unbiased and effective radio communication a priority in discussions with African governments.

This Congress should pass House Resolution 415 and support all efforts to improve media communications on the African continent.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 415.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.



**MAKING AVAILABLE TO THE UKRAINIAN MUSEUM AND ARCHIVES THE USIA TELEVISION PROGRAM "WINDOW ON AMERICA"**

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4083) to make available to the Ukrainian Museum and Archives the USIA television program "Window on America", as amended.

The Clerk read as follows:

H.R. 4083

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AVAILABILITY OF USIA TELEVISION PROGRAM "WINDOW ON AMERICA".**

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Ukrainian Museum and Archives in Cleveland, Ohio and the Slavics Collection, Indiana University Libraries in Bloomington, Indiana, copies of the television program "Window on America" produced by the WORLDNET Television Service of the United States Information Agency.

(b) LIMITATION.—The Ukrainian Museum and Archives and the Slavics Collection are prohibited from broadcasting any materials made available pursuant to this Act.

(c) REIMBURSEMENT.—The Ukrainian Museum and Archives and the Slavics Collection shall reimburse the Director of the United States Information Agency for any expenses involved in making such copies available. Any reimbursement to the Director pursuant to this subsection shall be credited to the applicable appropriation of the United States Information Agency.

(d) TERMINATION.—Subsection (a) shall cease to have effect 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

**GENERAL LEAVE**

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4083, the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill is sponsored by the gentleman from Ohio (Mr. KUCINICH) and cosponsored by the gentleman from Indiana (Mr. HAMILTON).

This bill waives section 501 of the Smith-Mundt Act, which prohibits the domestic dissemination of U.S. Infor-

mation Agency produced materials to allow USIA to provide the TV program "Window on America" to the Ukrainian Museum and Archives and to the Slavics Collection at the Indiana University Library in Bloomington, Indiana. The Ukrainian language program cannot be broadcast in the U.S. but is available to these institutions for historical and research purposes. The waiver of section 501 expires 5 years after the date of enactment.

This bipartisan bill was drafted in close consultation with the U.S. Information Agency, USIA, and they provided expert advice that assisted the Congress in advancing this legislation. I appreciate the agency's attention to the important details of the Smith-Mundt waiver, and I ask my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Let me first commend the sponsors of this bill, our colleagues, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Indiana (Mr. HAMILTON), for their leadership in offering this very worthy piece of legislation.

H.R. 4083 would authorize the United States Information Agency to make available to the Ukrainian Museum and Archives in Cleveland and the Slavics Collection at Indiana University copies of a video program, "Window on America", that has been broadcast by satellite into the Ukraine.

Without specific authorization by the Congress, Madam Speaker, the Smith-Mundt Act would normally prohibit USIA from providing domestic institutions those materials that are produced for overseas audiences. This bill ensures that the program will not be rebroadcast and that USIA will be fully reimbursed for the expenses of making this program available.

The gentleman from Ohio (Mr. KUCINICH) worked closely with USIA in crafting this bill, and our colleague, the gentleman from Indiana (Mr. HAMILTON), has seen to it that the University of Indiana will benefit from its provisions. The administration has no objections to this legislation, and I strongly urge support of this bill.

Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I rise in support of H.R. 4083, to make "Windows on America" programming available to the Ukrainian Museum in Cleveland, Ohio, and to the Slavics Collection at the University of Indiana.

First, I would like to thank the gentleman from Ohio (Mr. LATOURETTE), my principal cosponsor of this legislation. I would also like to thank the gentleman from New Jersey (Mr. SMITH) the subcommittee chairman, the gentleman from New York (Mr.

GILMAN) the full committee chairman, the gentleman from Indiana (Mr. HAMILTON) the ranking Democrat, and the Ukrainian Caucus in the House, chaired by the gentleman from Pennsylvania (Mr. FOX). This is a bipartisan bill that would benefit thousands of Ukrainian Americans.

The Ukraine is one of Europe's oldest cultures and one of its newest democracies. In this century, the country has been wracked by world wars, major famines and some of the worst political repression the world has ever seen. During the Soviet era, Joseph Stalin and his successors waged war on Ukrainian culture, destroying churches and valuable artifacts, burning books and other literary treasures. Nearly 50 years ago, a group of displaced Ukrainian scholars living in Cleveland, Ohio, began a museum and archives in the Tremont area, the place where the neighborhoods meet the industrial valley and home to many immigrant communities; also, by the way, home to the community where I first began my political career over 30 years ago. Their mission was to preserve valuable items of Ukrainian culture during an Orwellian era when these items were being deliberately destroyed in Ukraine itself.

Tapping into a network of similar scholars, displaced diplomats and ordinary citizens, the Ukrainian Museum-Archives compiled a world-class collection of Ukrainiana. With the advent of Ukrainian independence seven years ago, scholars from Ukraine finally got a chance to see for themselves the size and quality of the collection. They confirmed that many of the items preserved in the Cleveland collection cannot be found anywhere else, even in Kiev or our own Library of Congress. As awareness of Ukraine as a geopolitical factor grows, so does interest in Ukrainian culture and history. The Ukrainian Museum-Archives is now working with the Ukrainian Embassy in Washington, Ohio State University's Department of Slavic and Eastern European Languages and Literature and other institutions to make this unique collection accessible to scholars in this country, in Ukraine and throughout the world.

That is why I am pleased to be the sponsor along with the gentleman from Ohio (Mr. LATOURETTE) of this bill to make available to the Ukrainian Museum-Archives videotapes of the U.S. Information Agency's television program "Window on America." For more than 5 years now, this pioneering program has been beamed by satellite to Ukraine to a weekly television audience of 10 to 15 million people. The videotapes of these programs constitute an invaluable chronicle of U.S.-Ukrainian relations during the critical first years of Ukraine's independence and a welcome addition to the collection at the Ukrainian Museum-Archives in Cleveland.

Ukraine, like other countries that have been victimized by Soviet repression, has had to endure economic difficulties as it moves from a communist style command economy to one that relies on free enterprise and free markets. In that process we have learned that Ukraine's problems are spiritual as well as economic and political. By exploring their own past and reclaiming their cultural heritage, Ukraine is taking an important step towards true independence and economic viability. The Ukrainian Museum-Archives in Cleveland and similar institutions elsewhere will play a small but important role in that process. I am pleased along with the gentleman from Ohio (Mr. LATOURETTE) to be able to help.

It is an honor to be here to say, "Slava Ukraini."

Mr. GILMAN. Madam Speaker, I rise in support of H.R. 4083, a bill to provide copies of the television program "Window on America" a Ukrainian language program produced by the U.S. Information Agency to the Ukrainian Museum and the Indiana University Libraries.

This bill waives section 501 of the Smith-Mundt Act, which prohibits the domestic dissemination of U.S. Information Agency produced materials. A waiver of this prohibition, will allow these two institutions to maintain a current history research capacity on events in the Ukraine.

This Ukrainian language program cannot be broadcast in the U.S., but is available to these institutions for historical and research purposes. This waiver is in place for five years. After that period the International Relations Committee and the Museum and Libraries at Indiana University will revisit the interest in extending the waiver.

I appreciate the assistance the U.S. Information Agency provided in drafting this bill to accommodate the concerns of the Committee.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4083, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### URGING INTERNATIONAL CO-OPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 224) urging international cooperation in recovering children abducted in the

United States and taken to other countries.

The Clerk read as follows:

H. CON. RES. 224

Whereas many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

Whereas children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

Whereas there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

Whereas, although the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

Whereas decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That the Congress urges international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 224, the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this measure, H. Con. Res. 224, calls our attention to a problem of growing concern. While most Americans are aware of the large number of cases involving children abducted by a noncustodial parent in the United States, very few are aware of the international dimensions of the problem. I commend the gentleman from Arkansas (Mr. BERRY) for his initiative in introducing this resolution.

A by-product of our increasingly interdependent globe has been an increase in the number of American citizens marrying citizens of other countries. It is a sad fact of today's society

that a high number of marriages result in divorce, and these international marriages are as subject to the strains that affect marriages as those between citizens of the same country. In fact, there may be additional strains caused by differences of culture in such relationships. When an international marriage results in children and the parents obtain a divorce, with the foreign national spouse choosing to return to his or her own country, the offspring can be quickly embroiled in a complex situation, not only torn between two parents but also between two countries.

There are tragically nearly 1,000 cases pending with the Office of Children's Issues at the State Department that handles children wrongfully taken from a custodial parent in the United States to another country. I am hopeful that this measure will help spotlight this problem and attempt to deal with it.

We also would like to see our government, particularly the State Department, intensify its efforts to get more international cooperation in addressing the criminal aspects of international parental child abduction and also in getting more countries, particularly in the Middle East, to abide by the Hague Convention on the Civil Aspects of International Child Abduction. For all these reasons, this resolution is a timely one. I ask all the Members of the House to join in supporting H. Con. Res. 224.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Let me at the outset pay tribute and commend the author of this resolution, my friend and colleague, the gentleman from Arkansas (Mr. BERRY), because he is dealing with an issue of extreme importance. Of all the hundreds of hearings that I have participated in during the course of years, Madam Speaker, probably none was more moving than a hearing I chaired on a situation involving children of American women abducted by their fathers to Saudi Arabia.

Now, I think it is extremely important to bear in mind that while many countries are involved in matters that this legislation attempts to deal with, the vast number of the children are taken to countries where only the father's rights are recognized. In such cases, the left-behind mother is utterly helpless and hopeless, and the anguish and suffering of both the mother and the children is beyond comprehension.

I believe this resolution, which attempts to deal with unresolved cases of child abduction cases, will focus both public and media attention on this outrage, and it is my earnest hope that at least international embarrassment might induce some of the governments to be more forthcoming in dealing with these matters.



The Hague Convention on the Civil Aspects of International Child Abduction has made some progress in aiding the return of abducted children. But many of the countries most affected by this legislation are not parties to that convention, and I think my colleague from Arkansas deserves great commendation for refocusing the attention of the civilized world on this outrageous practice.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise in support of the measure of the gentleman from Arkansas (Mr. BERRY).

The unresolved cases of abducted children is an abominable situation. This has resulted in children being taken to all parts of the world, taken usually by an estranged father. Rarely are these children returned, and rarely are legal remedies available. Other countries have recognized the custodial rights of the parent. I believe there are over 100 cases, more particularly 140 cases, that need to be resolved in which children have been abducted by family members where they have taken the children to foreign countries.

We have been working with our colleagues in the European Union, and we will be having some meetings just this week with regard to this issue. We hope that we can focus attention in the international community to help find a solution to these problems that have torn apart so many families.

So, again, I want to commend the gentleman from Arkansas for focusing attention on this issue, focusing attention on the Convention of the Civil Aspects of International Child Abduction that was done at the Hague in 1980. But too little progress has been made in that direction and we have a long way to go, and I hope that this body will focus attention on this issue as well as other international organizations.

Mr. LANTOS. Madam Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY), the author of the resolution and my friend and colleague.

Mr. BERRY. Madam Speaker, I want to thank the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER), and, of course, the gentleman from New York (Mr. GILMAN) and the ranking member, the gentleman from Indiana (Mr. HAMILTON), for the attention that they have given to this important issue.

□ 1400

This issue first came to my attention when a child, Machael Al Omary, living with her mother in Jonesboro, Arkan-

sas was illegally kidnapped by her non-custodial father and taken to Saudi Arabia where her mother has no legal right to recourse. Since that time, I have learned that there are thousands of children who have been illegally taken to another country. If the country is not a signatory to the Hague Agreement, the parents are left totally helpless. In many cases when the country is a signatory, justice is often difficult to obtain and comes at a very high price.

Our legal system makes decisions involving the custody of children based on what is in the best interests of the children. Once such arrangements are made, no one should ever be rewarded for the illegal abduction of a child from our country by being able to keep the child and thumb their noses at our authority.

This resolution sends a strong message of this country's support for the rights of our children.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 224.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### SENSE OF CONGRESS ON 50TH ANNIVERSARY OF SIGNING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 185) expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration, as amended.

The Clerk read as follows:

H. CON. RES. 185

Whereas on December 10, 1948, the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights, after it was adopted by the General Assembly without a dissenting vote;

Whereas the Universal Declaration of Human Rights was modeled on the Bill of Rights of the United States Constitution and it was developed with strong United States leadership, and in particular the personal involvement of Mrs. Eleanor Roosevelt, who served as Chair of the United Nations Human Rights Commission;

Whereas the Universal Declaration of Human Rights sets forth fundamental

human rights including the right to life, liberty, and security of person; freedom of religion; freedom of opinion and expression; freedom of assembly; self-government through free elections; freedom from slavery and torture; the right to a fair trial and to equality before the law; presumption of innocence until proved guilty; the right not to be subjected to retroactive laws; freedom of movement within one's state and freedom to leave or return to it; the right of asylum; the right to a nationality; the right to found a family; the right against arbitrary interference with privacy, family, home, or correspondence; the right to own property; to social security and to work; the right to form and join trade unions; the right to an adequate standard of living, to education, and to rest and leisure; and the right to participation in the cultural life of the community;

Whereas the Universal Declaration of Human Rights has become the most widely accepted statement identifying human rights and is referred to in resolutions and covenants adopted by numerous international organizations, in multilateral and bilateral treaties, in national constitutions, and in local laws and decrees; and

Whereas the Universal Declaration of Human Rights, though it is not a treaty or a binding international agreement, it is "a common standard of achievement for all peoples and all nations": Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) reaffirms the commitment of the United States to the fundamental human rights enunciated half a century ago in the Universal Declaration of Human Rights, which are a reflection of the fundamental civil and human rights that are enshrined in the Declaration of Independence and in the United States Constitution, and in particular in the Bill of Rights;

(2) expresses the determination to work for the implementation of and observance of international human rights agreements; and

(3) urges the government leaders of all nations, representatives of private international human rights organizations, business and labor leaders, local government officials, and all Americans to use the Universal Declaration of Human Rights as an instrument to promote tolerance, understanding, and greater respect for human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure as well as on H. Con. Res. 304 and H. Con. Res. 254 previously considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the chairman of the Subcommittee on

International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and the ranking minority member the gentleman from California (Mr. LANTOS) for their timely initiative, and I commend the gentleman from California for crafting H. Con. Res. 185.

H. Con. Res. 185 expresses the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitments our Nation to the principles expressed therein.

On December 20, 1948, the General Assembly of the U.N. proclaimed the Universal Declaration of Human Rights after it was adopted by the General Assembly without one dissenting vote. H. Con. Res. 185 summarizes the Universal Declaration of Human Rights and reaffirms our Nation's commitment to that declaration.

We take for granted so many freedoms that we have in our country. The gentleman's resolution makes us aware of their preciousness and reaffirms our commitment to their protection and role in our society and the world community.

Accordingly, I strongly support H. Con. Res. 185, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume. Let me first thank my friend the distinguished chairman of the Committee on International Relations for his comments. Let me also thank my good friend and distinguished gentleman from Illinois (Mr. PORTER), co-chair of the Congressional Human Rights Caucus who joined me as the principal Republican cosponsor of this bill. I also want to thank my good friend the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of the House International Relations Subcommittee on International Operations and Human Rights for his strong leadership on this issue. There are in fact scores of colleagues across the political spectrum who joined us in introducing this resolution.

Fifty years is a long time, Madam Speaker, and it is most appropriate for us to recommit ourselves and this body and our Nation to this vital document. The Universal Declaration of Human Rights is one of the most monumental events in the history of human rights. It is the accepted international definition of human rights, and the declaration continues to serve as the basis for subsequent international human rights law and treaties. And it is the critical starting point for future international agreements on human rights.

Now, I am not naive, Madam Speaker, and I understand that in scores of countries, this Universal Declaration of Human Rights is not observed. But that painful fact makes it all the more

important that we recommit ourselves in a solemn way to the principles embodied in this document.

The drafters of the Universal Declaration were not concerned with inventing new political concepts and rights which would be granted or extended to people around the world; but, rather, they were concerned with defining the fundamental rights that are at the root of our human nature, rights that are the essence of our humanity. The purpose of the Universal Declaration was to enumerate these rights and to establish the standards that all nations should observe.

The nations which founded the United Nations at the San Francisco Conference in 1945, the city I have the honor to represent in this body with my friend the gentlewoman from California (Ms. PELOSI), came to the conclusion that new tools and international mechanisms are needed to protect the basic rights of all human beings. They directly responded to the atrocities of World War II committed by Nazi Germany and others where fundamental rights were violated in an unprecedented and systematic attack which produced inconceivable levels of human suffering.

In 1946, Madam Speaker, the United Nations established the Commission on Human Rights, the principal decision-making body charged with the global defense of human rights. The first Chair of the Human Rights Commission was Mrs. Eleanor Roosevelt, the widow of President Franklin Delano Roosevelt. Under her inspired leadership, this Commission took it upon itself to develop a comprehensive and universal catalogue of human rights definitions, which could serve as the basis for future legal codifications in the defense of human rights.

After almost 1,400 rounds of voting on practically every word in the draft declaration, the General Assembly unanimously adopted the Universal Declaration of Human Rights on December 10, 1948, in Paris at the Palais de Chaillot. Hence, we annually celebrate December 10 as International Human Rights Day. Subsequently some 60 human rights treaties and declarations were negotiated at the United Nations on the basis of the Universal Declaration.

Unfortunately, Madam Speaker, many of the rights enunciated in the Universal Declaration are under attack across the globe. I urge my colleagues to join me and continue our fight for all human rights for all human beings, even if that means from time to time making some unpopular decisions. As the sole remaining superpower, we have a special global obligation to the poor, to the tortured, to the prosecuted, to the persecuted, to the refugees and the voiceless. Anything less than full commitment to these human rights would be a betrayal of our own convictions and beliefs as a Nation and

to our responsibilities spelled out in our Constitution and the Bill of Rights.

I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, first of all I want to thank and congratulate the gentleman from California (Mr. LANTOS) for introducing H. Con. Res. 185 to commemorate the 50th anniversary of the Universal Declaration of Human Rights, a magnificent document. I am very proud to be one of the cosponsors of the resolution. I do hope it will get the full support of our colleagues today.

□ 1415

Madam Speaker, I believe that rights come from God, not from governments, not from international organizations. Nevertheless, it was a great step forward when, without a dissenting vote, the United Nations General Assembly recognized the existence of the rights to life, liberty, freedom of religion and expression, self-government through elections, and other important rights that are inherent in our nature as human beings and children of God.

I am very proud to join my colleague, the gentleman from California (Mr. LANTOS), and I want to thank him again for bringing this important resolution before the body today.

Ms. JACKSON-LEE of Texas. Madam Speaker, I applaud this measure. It is imperative that we, as Representatives of the United States of America, continue to support the Universal Declaration of Human Rights. The vital declaration ensures global preservation of the most basic human liberties.

Nadezhda Mandelstam once wrote that one must scream to the world to assert one's right to live and "send a message to the outside world demanding help and calling for resistance." Silence, in turn, is the "real crime against humanity."

It is clear that we must proclaim loudly that we are still demanding help and calling for resistance against human rights throughout the world. The Universal Declaration of Human Rights represents such a voice because it creates a standard of human rights that all the world's nations must uphold.

As a cornerstone of international customary law, the Declaration paved the way for legally binding treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Together, these documents form the "International Bill of Rights."

The Universal Declaration of Human Rights also serves as a model for national constitutions, laws, and policies. Since 1948, over 90 national constitutions can be traced to the Declaration.

We must continue to vocally support this Declaration. Our silence would only result in a regression of the work done on behalf of this



document. Instead, we must scream to the world that we will not tolerate human rights abuses.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of the time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended.

The question was taken.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## TORTURE VICTIMS RELIEF ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4309) to provide a comprehensive program of support for victims of torture, as amended.

The Clerk read as follows:

H.R. 4309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Act of 1998".

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating the leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duty to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportuni-

ties for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

### SEC. 3. DEFINITION.

As used in this Act, the term "torture" has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

### SEC. 4. FOREIGN TREATMENT CENTERS.

(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end of chapter 1 the following new section:

#### "SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.

"(a) IN GENERAL.—The President is authorized to provide assistance for the rehabilitation of victims of torture.

"(b) ELIGIBILITY FOR GRANTS.—Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

"(c) USE OF FUNDS.—Such assistance shall be available—

"(1) for direct services to victims of torture; and

"(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b), for the purpose of enabling such providers to provide the services described in paragraph (1)."

#### (b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 1999 and \$7,500,000 for fiscal year 2000 to carry out section 129 of the Foreign Assistance Act, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1998.

### SEC. 5. DOMESTIC TREATMENT CENTERS.

(a) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

(2) Social and legal services for victims of torture.

(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

#### (b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999 and 2000, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers

and programs for the treatment of victims of torture) \$5,000,000 for fiscal year 1999, and \$7,500,000 for fiscal year 2000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

### SEC. 6. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) FISCAL YEAR 1999.—For fiscal year 1999, \$3,000,000.

(2) FISCAL YEAR 2000.—For fiscal year 2000, \$3,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

### SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) IN GENERAL.—The Secretary of State shall provide training for foreign service officers with respect to—

(1) the identification of torture;

(2) the identification of the surrounding circumstances in which torture is most often practiced;

(3) the long-term effects of torture upon a victim;

(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a) (4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

## GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, this important measure addresses a critical area of our efforts to combat human rights abuses and treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition, and I commend the gentleman from New Jersey (Mr. SMITH) for introducing this bill and the gentleman from California (Mr. LANTOS) for his support of this measure.

This resolution rightly recognizes the importance of treating victims of torture in order to try to combat the long-term devastating effects that torture has had on the physical and psychological well-being of those who have undergone this pernicious form of abuse.

Regrettably, torture has been an extremely effective method to suppress political dissidents, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture has provided a bulwark against popular opposition.

It has been pointed out that for political leaders of undemocratic societies, torture has been useful because it aimed at the destruction of the personality to rob those individuals who would actively involve themselves in opposition to oppression of the self-confidence and other characteristics that produce leadership. And I quote from a recent speech by Dr. Inge Genefke, who is a founder of the International Treatment Movement, who we had an opportunity to meet with not too long ago, and I quote:

Sophisticated torture methods today can destroy the personality and self-respect of human beings. Many victims are threatened with having to do or say things against their ideology or religious convictions with the purpose of attacking fundamental parts of the identity such as self-respect and self-esteem. Torturers today are able to create conditions which effectively break down the victim's personality and identity and his ability to live a fuller life later, with and amongst other human beings.

Fortunately there are now available treatment regimes for the types of disorders a torturer may induce. The resolution before the House today will help ensure that these treatments are more readily available to torture victims throughout the world and for those that are in need of them.

This measure authorizes funding for treatment centers in our Nation and for our President to provide funding for treatment centers in other countries. It also authorizes a State Department to contribute \$3 million in both fiscal

years 1999 and the year 2000 to the United Nations voluntary fund for victims of torture.

While this measure is similar to one reported out of the Committee on International Relations, we did make one change in order to accommodate the Committee on Commerce, changing a specific amount authorized for the Department of Health and Human Services to, quote, such sums as may be required, close quote. I ask that correspondence on this matter exchanged between the distinguished chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) and myself be included in the RECORD following my remarks.

I urge my colleagues to join in approving this legislation, an all important issue, the Torture Victims Relief Act of 1998.

The correspondence referred to is as follows:

U.S. HOUSE OF REPRESENTATIVES,  
COMMERCE COMMITTEE,  
Washington, DC, September 10, 1998.

Hon. BENJAMIN A. GILMAN,  
Chairman, House Committee on International Relations, Washington, DC.

DEAR BEN: On August 6, 1998 the Committee on International Relations ordered reported H.R. 4309, the Torture Victims Relief Act of 1998. H.R. 4309, as ordered reported by the Committee on International Relations, provides for the support and treatment of torture victims through a variety of sources. As you know, the Committee on Commerce was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction over health and health facilities under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. I also understand that you have agreed to address this Committee's concern over the authorization of appropriations in section 5 in a manager's amendment to be offered on the Floor. Therefore, with that understanding, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 4309. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 4309 or related legislation.

I request that you include this letter as a part of the Committee's report on H.R. 4309 and as part of the record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,  
Chairman.

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON INTERNATIONAL RELATIONS,

Washington, DC, September 10, 1998.

Hon. TOM BLILEY,  
Chairman, House Committee on Commerce, Washington, DC.

DEAR TOM: I am writing to thank the Committee on Commerce for its willingness to waive consideration of H.R. 4309, the Torture Victims Relief Act of 1998. As you correctly note, the Committee on International Relations and the sponsors of the bill believe it is important to bring this legislation before the House as expeditiously as possible.

I am writing to confirm our understanding, upon which your agreement to waive Committee consideration of the bill was premised:

First, I will address the Commerce Committee's concern over the authorization of appropriations in section 5 of the bill in a manager's amendment that I will offer on the Floor. I have enclosed a draft of that amendment, which I understand will meet the Committee's concerns.

Second, although I am hopeful that the Senate will pass the bill as passed by the House, I agree to support the appointment of Commerce Committee conferees, should a conference be convened on this legislation.

Finally, I will gladly include your September 10, 1998 letter in the International Relations Committee's report on H.R. 4309 and as part of the record during consideration of the bill by the House.

Thank you again for your prompt attention to this time-sensitive matter. Do not hesitate to contact me with any additional questions or suggestions you may have.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,  
Chairman.

AMENDMENT TO H.R. 4309 OFFERED BY MR. SMITH OF NEW JERSEY

On page 6, line 10 and 11, strike "fiscal years 1999 and 2000," and insert "for each fiscal year";

On page 6, line 14, strike "\$5,000,000" and all that follows through the end of line 15, and insert "such sums as may be necessary for each fiscal year."

Mr. GILMAN. Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to begin by paying special tribute to my friend and colleague from New Jersey (Mr. SMITH) for taking the lead in this body on this most important issue. He has been an indefatigable fighter for many good causes, but this probably is one that deserves the most serious commendation and respect. I am proud to be the principal Democratic cosponsor of this legislation.

According to Amnesty International, Madam Speaker, torture is practiced on a systematic scale in no less than 117 countries across the globe today. Governments frequently target human rights advocates and political opposition members for torture to disable them and instill fear in society in general. Torture is clearly the most popular and effective weapon employed by rogue nations against democracy.



The main purpose of torture in most cases is not to gain any information from the victim. Rather, its purpose is to strip the individual human being of all personal dignity, to destroy all personal self-control and to reduce a human being to a state of sheer panic, fear, terror and pain. In other words, the purpose of torture is the destruction of the character of the victim, not necessarily the intention to kill him. Long after the physical wounds of those lucky enough to survive have healed, the embarrassment and the trauma of their torture persists.

This is why torture renders people silent. This silence, the inability to reach out, many times increased by our inability to listen and to believe, is the real goal of torture.

There are no more than 150 treatment programs for victims of torture in 76 countries. These programs provide invaluable support to the courageous men and women who are fighting for principles upon which our country was founded. They enable the survivors of torture to recover from the effects of torture and to resume their struggle on behalf of democracy and human rights. This is a long, painful and slow process. The centers give victims the important hope that somebody is listening, somebody believes their stories.

Currently there are some 400,000 victims who survive torture in many countries living in the United States. We need to listen to them and to live up to our responsibilities. In addition to the medical and psychological services torture treatment centers provide, they also document irrefutable evidence that torture is being practiced in many countries, and these centers become effective instruments in pressuring and changing governments to desist from the practice of torture.

It is my hope that my colleagues across the political spectrum will unanimously approve this legislation. I strongly urge support of everyone in this body.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from New York (Mr. GILMAN) the chairman of the full committee, for yielding this time to me, and I also want to thank him for being one of the principal cosponsors, as well as my good friend, the gentleman from California (Mr. LANTOS). We have had literally dozens of hearings in the subcommittee over the last several years when he was chair, and now that I chair the committee and we have heard from a myriad of victims of torture, from Indonesia, from Cuba, from countries in Africa, Central America, and the Eastern Bloc countries, including

the former Soviet Union and Russia itself. The issue over and over again is horrific mistreatment designed to destroy the will and the body and the spirit of the individuals involved and to destroy whole communities when it is done systematically to achieve an end.

This legislation, H.R. 4309, the Torture Victims Relief Act has 30 cosponsors. Again, the gentleman from California (Mr. LANTOS) and I link arm in arm to fight to help those who have been hurt by despotic governments.

In 1996, Madam Speaker, our subcommittee held a hearing on an earlier version of this legislation and we heard testimony on the continued and widespread persistence of torture in the world today, and on what steps the United States and other free countries should take to do something about it. Three of our witnesses at that hearing—and, as has been said, we heard from people from all over the world, and the issue is always the same, the terrible mistreatment—but three of those people who were there that day: a native of Uganda who suffered at the hands of Idi Amin, a Tibetan physician who was tortured by the Chinese Communists, and an American who became a torture victim in Saudi Arabia, our ally, after he had a falling out with his employer, the Saudi government. They told us stories that brought tears to our eyes about how they were mistreated and how they bear the scars long after their ordeal.

Those who suffer horrific cruelty at the hands of despotic governments, military and/or police, do bear those scars; they are physical, they are emotional, they are spiritual, they are psychological, and they carry them for the rest of their lives. For many, if not most, the ordeal of torture certainly does not end when they are released from the gulag or the prison.

These victims, and there are millions of them around the world—there are an estimated 400,000 survivors of torture living right here in the United States—need our help. To date we have done far too little to assist these walking wounded. The Torture Victims Relief Act contains a number of important provisions designed to assist torture victims.

First, it authorizes grants for rehabilitation services for victims of torture and for related purposes in both foreign and domestic centers. The bill authorizes such sums as may be needed, subject to the Department of Health and Human Services, for contributions to centers for treatment of torture victims here in the U.S., and there are currently approximately 15 such centers. The precise amount of any contribution to these centers will be decided each year in the appropriation process. The "such sums" authorization language is contained in an amendment which is part of this bill today. It was suggested by the gen-

tleman from Virginia (Mr. BLILEY) of the Committee on Commerce which has jurisdiction over HHS, and I do want to thank Chairman BLILEY for his help on this legislation.

The legislation also authorizes \$5 million in fiscal year 1999 and \$7.5 million in fiscal year 2000 for international torture victim centers, and there are currently approximately 175 of those around the world. Regrettably, all of these centers, domestic and international, are seriously underfunded. As a matter of fact, the Denmark-based International Rehabilitation Council for Torture Victims (IRCT), estimates the worldwide need for assisting victims to be \$28 million, a significant portion of which is totally unmet.

□ 1435

H.R. 4309 also authorizes a voluntary contribution for the United States to the U.N. Voluntary Fund for victims of torture in the amount of \$3 million in fiscal year 1999 and \$3 million in fiscal year 2000. I am proud to say that our efforts—and it has been bipartisan with the gentleman from California (Mr. LANTOS)—have already had an effect on the U.S. contributions to the Voluntary Fund. The U.S. contribution to this fund in 1995 was \$1.5 million. At the time when we introduced the bill in the 104th Congress, the administration had proposed to cut the fiscal year 1996 contribution to \$500,000. Eventually, in response to our efforts by the supporters of this bill, the administration restored the full \$1.5 million. The bill would bring it up to \$3 million.

The bill also provides specialized training for foreign service officers in the identification of evidence of torture, techniques for interviewing torture victims, and related subjects.

Finally, the bill contains an expression of the sense of Congress that the U.S. shall use its voice and vote in the United Nations to support the investigation and elimination of these heinous practices which are prohibited by the Convention Against Torture. It is a good bill, it is a bipartisan bill, and I hope it gets unanimous support.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4309, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# COMMISSION ON THE ADVANCEMENT OF WOMEN AND MINORITIES IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT ACT

Mr. FAWELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3007) to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development, as amended.

The Clerk read as follows:

H.R. 3007

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development Act".

## SEC. 2. FINDINGS.

The Congress finds the following:

(1) According to the National Science Foundation's 1996 report, Women, Minorities, and Persons with Disabilities in Science and Engineering—

(A) women have historically been underrepresented in scientific and engineering occupations, and although progress has been made over the last several decades, there is still room for improvement;

(B) female and minority students take fewer high-level mathematics and science courses in high school;

(C) female students earn fewer bachelors, masters, and doctoral degrees in science and engineering;

(D) among recent bachelors of science and bachelors of engineering graduates, women are less likely to be in the labor force, to be employed full-time, and to be employed in their field than are men;

(E) among doctoral scientists and engineers, women are far more likely to be employed at 2-year institutions, are far less likely to be employed in research universities, and are much more likely to teach part-time;

(F) among university full-time faculty, women are less likely to chair departments or hold high-ranked positions;

(G) a substantial salary gap exists between men and women with doctorates in science and engineering;

(H) Blacks, Hispanics, and Native Americans continue to be seriously underrepresented in graduate science and engineering programs; and

(I) Blacks, Hispanics, and Native Americans as a group are 23 percent of the population of the United States, but only 6 percent are scientists or engineers.

(2) According to the National Research Council's 1995 report, Women Scientists and Engineers Employed in Industry: Why So Few?—

(A) limited access is the first hurdle faced by women seeking industrial jobs in science and engineering, and while progress has been made in recent years, common recruitment and hiring practices that make extensive use of traditional networks often overlook the available pool of women;

(B) once on the job, many women find paternalism, sexual harassment, allegations of reverse discrimination, different standards for judging the work of men and women, lower salary relative to their male peers, inequitable job assignments, and other aspects of a male-oriented culture that are hostile to women; and

(C) women to a greater extent than men find limited opportunities for advancement, particularly for moving into management positions, and the number of women who have achieved the top levels in corporations is much lower than would be expected, based on the pipeline model.

(3) The establishment of a commission to examine issues raised by the findings of these 2 reports would help—

(A) to focus attention on the importance of eliminating artificial barriers to the recruitment, retention, and advancement of women and minorities in the fields of science, engineering, and technology, and in all employment sectors of the United States;

(B) to promote work force diversity;

(C) to sensitize employers to the need to recruit and retain women and minority scientists, engineers, and computer specialists; and

(D) to encourage the replication of successful recruitment and retention programs by universities, corporations, and Federal agencies having difficulties in employing women or minorities in the fields of science, engineering, and technology.

## SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development" (in this Act referred to as the "Commission").

## SEC. 4. DUTY OF THE COMMISSION.

The Commission shall review available research, and, if determined necessary by the Commission, conduct additional research to—

(1) identify the number of women, minorities, and individuals with disabilities in the United States in specific types of occupations in science, engineering, and technology development;

(2) examine the preparedness of women, minorities, and individuals with disabilities to—

(A) pursue careers in science, engineering, and technology development; and

(B) advance to positions of greater responsibility within academia, industry, and government;

(3) describe the practices and policies of employers and labor unions relating to the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development;

(4) identify the opportunities for, and artificial barriers to, the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development in academia, industry, and government;

(5) compile a synthesis of available research on lawful practices, policies, and programs that have successfully led to the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in science, engineering, and technology development;

(6) issue recommendations with respect to lawful policies that government (including Congress and appropriate Federal agencies), academia, and private industry can follow regarding the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in science, engineering, and technology development;

(7) identify the disincentives for women, minorities, and individuals with disabilities to continue graduate education in the fields of engineering, physics, and computer science;

(8) identify university undergraduate programs that are successful in retaining women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development;

(9) identify the disincentives that lead to a disproportionate number of women, minorities, and individuals with disabilities leaving the fields of science, engineering, and technology development before completing their undergraduate education;

(10) assess the extent to which the recommendations of the Task Force on Women, Minorities, and the Handicapped in Science and Technology established under section 8 of the National Science Foundation Authorization Act for Fiscal Year 1987 (Public Law 99-383; 42 U.S.C. 1885a note) have been implemented;

(11) compile a list of all Federally funded reports on the subjects of encouraging women, minorities, and individuals with disabilities to enter the fields of science and engineering and retaining women, minorities, and individuals with disabilities in the science and engineering workforce that have been issued since the date that the Task Force described in paragraph (10) submitted its report to Congress;

(12) assess the extent to which the recommendations contained in the reports described in paragraph (11) have been implemented; and

(13) evaluate the benefits of family-friendly policies in order to assist recruiting, retaining, and advancing women in the fields of science, engineering, and technology such as the benefits or disadvantages of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

## SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) 1 member appointed by the President from among for-profit entities that hire individuals in the fields of engineering, science, or technology development.

(2) 2 members appointed by the Speaker of the House of Representatives from among such entities.

(3) 1 member appointed by the minority leader of the House of Representatives from among such entities.

(4) 2 members appointed by the majority leader of the Senate from among such entities.

(5) 1 member appointed by the minority leader of the Senate from among such entities.

(6) 2 members appointed by the Chairman of the National Governors Association from among individuals in education or academia in the fields of life science, physical science, or engineering.

(7) 2 members appointed by the Vice Chairman of the National Governors Association from among such individuals.

(b) INITIAL APPOINTMENTS.—Initial appointments shall be made under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) TERMS.—

(1) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) PAY OF MEMBERS.—Members shall not be paid by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with



sections 5702 and 5703 of title 5, United States Code.

(f) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(g) **CHAIRPERSON.**—The Chairperson of the Commission shall be elected by the members.

(h) **MEETINGS.**—The Commission shall meet not fewer than 5 times in connection with and pending the completion of the report described in section 8. The Commission shall hold additional meetings for such purpose if the Chairperson or a majority of the members of the Commission requests the additional meetings in writing.

(i) **EMPLOYMENT STATUS.**—Members of the Commission shall not be deemed to be employees of the Federal Government by reason of their work on the Commission except for the purposes of—

(1) the tort claims provisions of chapter 171 of title 28, United States Code; and

(2) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

#### **SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.**

(a) **DIRECTOR.**—The Commission shall appoint a Director who shall be paid at a rate not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(b) **STAFF.**—The Commission may appoint and fix the pay of additional personnel as the Commission considers appropriate.

(c) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(d) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(e) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Commission, the Director of the National Science Foundation or the head of any other Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

#### **SEC. 7. POWERS OF COMMISSION.**

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of

the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) **CONTRACT AUTHORITY.**—To the extent provided in advance in appropriations Acts, the Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under this Act.

#### **SEC. 8. REPORT.**

Not later than 1 year after the date on which the initial appointments under section 5(a) are completed, the Commission shall submit to the President, the Congress, and the highest executive official of each State, a written report containing the findings, conclusions, and recommendations of the Commission resulting from the study conducted under section 4.

#### **SEC. 9. CONSTRUCTION; USE OF INFORMATION OBTAINED.**

(a) **IN GENERAL.**—Nothing in this Act shall be construed to require any non-Federal entity (such as a business, college or university, foundation, or research organization) to provide information to the Commission concerning such entity's personnel policies, including salaries and benefits, promotion criteria, and affirmative action plans.

(b) **USE OF INFORMATION OBTAINED.**—No information obtained from any entity by the Commission may be used in connection with any employment related litigation.

#### **SEC. 10. TERMINATION; ACCESS TO INFORMATION.**

(a) **TERMINATION.**—The Commission shall terminate 30 days after submitting the report required by section 8.

(b) **ACCESS TO INFORMATION.**—On or before the date of the termination of the Commission under subsection (a), the Commission shall provide to the National Science Foundation the information gathered by the Commission in the process of carrying out its duties under this Act. The National Science Foundation shall act as a central repository for such information and shall make such information available to the public, including making such information available through the Internet.

#### **SEC. 11. REVIEW OF INFORMATION PROVIDED BY THE NATIONAL SCIENCE FOUNDATION AND OTHER AGENCIES.**

(a) **PROVISION OF INFORMATION.**—At the request of the Commission, the National Science Foundation and any other Federal department or agency shall provide to the Commission any information determined necessary by the Commission to carry out its duties under this Act, including—

(1) data on academic degrees awarded to women, minorities, and individuals with disabilities in science, engineering, and technology development, and workforce representation and the retention of women, minorities, individuals with disabilities in the fields of science, engineering, and technology development; and

(2) information gathered by the National Science Foundation in the process of compiling its biennial report on Women, Minor-

ties, and Persons with Disabilities in Science and Engineering.

(b) **REVIEW OF INFORMATION.**—The Commission shall review any information provided under subsection (a) and shall include in the report required under section 8—

(1) recommendations on how to correct any deficiencies in the collection of the types of information described in that subsection, and in the analysis of such data, which might impede the characterization of the factors which affect the attraction and retention of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development; and

(2) an assessment of the biennial report of the National Science Foundation on Women, Minorities, and Persons with Disabilities in Science and Engineering, and recommendations on how that report could be improved.

#### **SEC. 12. DEFINITION OF STATE.**

In this Act, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

#### **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act—

- (1) \$400,000 for fiscal year 1999; and
- (2) \$400,000 for fiscal year 2000.

The **SPEAKER** pro tempore (Mr. SMITH of New Jersey). Pursuant to the rule, the gentleman from Illinois (Mr. FAWELL) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 3007, which is the Commission on the Advancement of Women in Science, Engineering and Technology Development Act. I would like to call it the Wise Tech Act. As my colleagues know, I introduced H.R. 3007 on November 9 of last year.

I think it is fitting that we are considering H.R. 3007 under suspension of the rules today. I have been reading with great interest recent news articles regarding the push by high-tech industries for Congress to approve a temporary increase in the number of H-1B immigration visas for foreign technology workers. It is my understanding that we will likely consider legislation later this week to do just that. I think it is only appropriate, then, that we also pass legislation this week which will focus on what we can do to make sure American workers are prepared to fill these high-tech jobs.

Over the last decade, the use of technology has transformed almost every sector of our Nation's economy, ranging from transportation and health care to manufacturing and education. In manufacturing alone, high-tech industries now employ close to 1.9 million workers, making them the largest

manufacturing employer in the United States. In addition, the Bureau of Labor Statistics has predicted that the demand for highly skilled workers in computer and data processing will more than double over the next 10 years.

Mr. Speaker, I have been working over the past few years to help ensure that American workers have the high-tech skills they need to be successful in the job market that is increasingly dependent upon technological expertise. For example, last spring I had the pleasure of participating in the first Regional Town Hall Meeting on the National Technology Workforce, which was convened in Montgomery County, Maryland. Through those town hall meetings, we hope to bring attention to the issue of preparing our workforce for the 21st century.

Ensuring our workforce is prepared to meet the technology challenges of the future is not only important to me, because I want to ensure the I-270 corridor in my district maintains its technological preeminence, but it is also important from a national perspective. Technology will continue to be the driving force behind a strong economy in the 21st century. We need to make sure that our Nation has a workforce that is capable of meeting the needs of the 21st century economy. Today, as high-tech companies are scrambling to fill jobs, a vast portion of the U.S. labor pool remains underutilized.

Women represent roughly 50 percent of all U.S. workers, but make up only 22 percent of the entire science and engineering workforce. Determining why so few women enter the fields of science, engineering and technology development is a priority. Understanding and addressing such issues could dramatically increase the labor pool available to high-tech companies.

Yes, progress has been made over the last decade in integrating women into the scientific and engineering fields. This has been true in the academic arena and the workforce. The percentage of medical degrees earned by women rose from 8 percent to 38 percent between 1970 and 1993. Even more impressive, according to the Engineering Workforce Commission of the American Association of Engineering Societies, the percentage of Ph.D.s in engineering has increased from 0.4 percent in 1970 to 12.2 percent in 1997. But while such increases are impressive, in the case of engineering a 3,000 percent increase in just under 30 years, overall, the numbers are still low. As an example, there are only 8.9 percent of women in electronic engineering, whereas we have about 11.4 percent of women in the clergy. Kind of unusual.

That is also why I have introduced H.R. 3007. We need to figure out why women are entering in, and more importantly, staying in, high-tech professions at rates well below their male counterparts.

There have been various attempts in the past, both by the Federal Government and private organizations, to address this issue. The Federal Government in particular has done a good job of collecting relevant information as far as how many women are pursuing science and engineering degrees, and how many of these women ultimately end up entering into the workforce in one of these disciplines. However, we really have not done a very good job of taking the statistical data that has been collected and interpreting it in a way that can be used to develop solutions to the very real problem of the professions at rates that are well below their male counterparts.

Earlier this year, the Subcommittee on Technology held a hearing on H.R. 3007. All of our witnesses agreed that we need to do a better job of coordinating these various attempts to address the issue of women in science and develop a uniform analysis of the problem and provide recommendations for dealing with it. Our witnesses felt that this bill was an important part of that process.

I want to stress to my colleagues that the legislation requires a commission to be comprised of individuals representing private sector entities that employ scientists and engineers, as well as representatives from education and academia, in the same fields. I think that is important, because we want to make sure that the recommendations that are put forth by the commission adequately reflect the needs of the high-tech industries.

In addition, I want to acknowledge that H.R. 3007 was marked up by the Committee on Education and the Workforce and my colleague, the gentleman from New Jersey (Mr. PAYNE) pointed out that in addition to women, minorities and people with disabilities are also significantly underrepresented in all areas of science, engineering and technology development. In fact, while blacks, Hispanics and Native Americans combined represent about 23 percent of the population, only 6 percent are scientists or engineers.

So as a result, the gentleman from New Jersey (Mr. PAYNE) offered an amendment, which was accepted, to require the commission to also examine ways that we can encourage minorities and people with disabilities who are pursuing an education or career in science and engineering, and I think it is appropriate that the commission look into these issues as well and support efforts to ensure that all Americans have a chance to excel as we make the shift from an industrial age to an information age.

By addressing the problem now, countering the barriers which face women, minority, and disabled scientists and engineers, we can help to ensure that our labor force and the U.S. is ready to meet the challenges of the 21st century.

I am pleased to report that H.R. 3007 was passed by the Committee on Education and the Workforce, has been endorsed by the Institute of Electrical and Electronics Engineers, the IEEE-USA; the American Association of Engineering Societies, the National Society of Professional Engineers, the American Society of Mechanical Engineers, the Association of Women and Science, and in addition, it has been listed as one of the top 7 priorities for women by the Congressional Caucus for women's issues of this session.

Mr. Speaker, I want to thank all of my colleagues for working together in a bipartisan manner on this important legislation. In particular, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science; and the gentleman from California (Mr. BROWN), the ranking member of the Committee on Science; as well as the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA); and the vice chairman of the Subcommittee on Technology, the gentleman from Minnesota (Mr. GUTKNECHT), for their support of H.R. 3007. Also, the gentleman from Pennsylvania (Mr. GOODLING); the gentleman from Missouri (Mr. CLAY); the gentleman from Illinois (Mr. FAWELL); and the gentlewoman from Hawaii (Mrs. MINK), for bringing this bill to the floor today.

I look forward to working with them and my Senate counterparts to have this bill signed into law before the conclusion of the 105th Congress. I urge all of my colleagues to pass this important measure. I want to recognize some staff that have worked emphatically on this particular bill. Sandy Zimmit in particular, Richard Russell and others from the Committee on Science.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted today to rise in support of H.R. 3007, establishing a commission on the advancement of women in science, engineering and technology development. The commission, to be comprised of 11 members, would examine the barriers that women face in science, engineering and technology, and present recommendations on how to overcome such barriers.

I commend the author of this legislation, my colleague from Maryland (Mrs. MORELLA), for her initiative and her tenacity in working on this issue and her determination to help expand opportunities for women in the fields of science, engineering and technology. We have worked together on many initiatives, particularly in the area of educational and employment opportunities for women. I am pleased to support her legislation and pleased to represent the minority on the Committee on Education and the Workforce who endorse this legislation.



The House approved this legislation several years ago, and I remember having the privilege to manage that bill on the floor at that time. I am pleased that we are working again on a continuation of this issue.

The commission, if created, will address an area critical to the future success of women in our society. With the rapid increase of jobs in the fields of science, engineering and technology, women must be poised to assume a greater role in this employment arena. While we debate the issue of whether we need to raise immigration limitations in order to fill technology jobs, we should also be looking at ways to fill these jobs with those who are currently underrepresented in that industry, including women and minorities. We may be able to fulfill our needs in this industry with our current population if they are probably trained and encouraged to enter this field.

There is abundant evidence that girls and women face barriers in the areas of science, engineering and technology. In some cases, these barriers are at the most basic levels, including elementary and secondary education. The 1992 report, "How Schools Shortchange Girls," published by the American Association of University Women, cited several reports in which girls did not do as well as boys in math and science tests and included evidence that girls were not encouraged to pursue studies or careers in math and science.

□ 1445

Even though girls did well in these subject areas, they were not encouraged to pursue such studies.

Other issues that may deter women from these fields include sexual harassment, employment discrimination, lack of opportunities for postgraduate studies, difficulties in obtaining financial assistance, lack of access to computers and other technology, and the lack of active recruitment.

There are many complex issues involved, and I believe this commission is needed to learn more about barriers that women face in science and technology. We need sound policy recommendations to increase opportunities for women in science, engineering, and technology.

I urge my colleagues to support H.R. 3007.

Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman from Hawaii for yielding to me.

Madam Speaker, I rise to strongly support H.R. 3007 and to thank and congratulate the gentlewoman from Maryland for her hard work in pressing this bill forward.

I rise also on behalf of the bipartisan Women's Caucus to express the strong

support of the women of Congress for this particular bill.

The Women's Caucus is 21 years old this year. When you get to be 21, the Caucus decided that it is time to have your own must-pass agenda. The Caucus chose seven bills, all of them consensus bills, and presented those bills to the majority and minority leadership as bills that we thought would make every Member of this body proud.

I am delighted that this is the third of those bills to pass. Women's contraceptive choices for Federal employees has been one. It was not the first. The first was Provisions of the Violence Against Women Act. Tomorrow, Madam Speaker, the Mammography Quality Standards Act, another of the bills that the Congressional Women's Caucus urged on this body, will come to the floor.

I am pleased that the Commission on the Advancement of Women in Science, Engineering, and Technology Development Act now includes also minority and disabled people because this bill comes to the floor at a most propitious time.

There are bills at this time to increase the number of technological workers that would be imported from abroad because of a shortage that all can see throughout the country of such workers. Some oppose those bills because they want such jobs to go to our own workers.

At the same time, we must concede that the shortage is created by the failure of our own workers to be prepared in sufficient numbers for these jobs. So that in order to keep the jobs in this country, some have come forward to say let us import workers for these jobs.

The gentlewoman has focused on one of the reasons for this dilemma in looking to underutilize parts of our population. Women who are now almost half of the work force are far less than half of those represented in science and engineering, yet they come from the same homes, the same backgrounds, the same communities.

We see similar disparities for minorities and disabled people. Surely as we enter a period when technology is the overriding need of the work force, we do not want to leave underrepresented people who would have such skills to offer if they could only be uncovered. So we must begin by finding out why and then finding out what can be done about this dilemma.

This bill in my judgment uses the most efficient way to go at this problem. It is a vehicle designed to find what the facts are and then to get something done.

The commission consists of people from industry and from education. Now those are the people directly responsible for filling this gap. Important fact finding will be an important part of the commission; how to recruit and

retain minorities and women and disabled people.

Such other matters, as what kinds of model programs are there in education and in industry that are already successfully recruiting and retaining minorities and women will, through this commission, be made available to others throughout the country.

This is an innovative piece of legislation that will cost virtually nothing but is likely to produce a great deal for our country. I am pleased that this important bill has come to the floor at the request of the Congressional Women's Caucus among others who recognize the great good it can do. I once again congratulate the gentlewoman from Maryland (Mrs. MORELLA) for her initiative.

Mr. FAWELL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I wish to commend the gentlewoman from Maryland (Mrs. MORELLA) for her leadership in putting all of this legislation together and being deeply concerned about the identifying factors that contribute to the underrepresentation of women and minorities and individuals with disabilities in science and technology, an area in which I know the gentlewoman from Maryland has a vast background in. So my congratulations to the gentlewoman from Maryland for being the leading figure here to bring this legislation before us.

Madam Speaker, today I rise in support of this legislation, a bill to establish the Commission on the Advancement of Women in Science, Engineering and Technology Development Act.

The bill establishes an 11-member commission whose purpose would be twofold, first to identify factors contributing to the underrepresentation of women and minorities and individuals with disabilities in the fields of science, engineering, and technology; second, to identify both successful and unsuccessful university and employment policies and practices used to recruit, to retain, and to advance high-tech careers for women and minorities.

Within 1 year, the commission would be required to transmit to Congress and the governors a report containing recommendations on how Federal, State, and local governments, schools, universities, and private industry can encourage women, minorities, and individuals with disabilities to enter the fields of science, engineering, and technology development.

The bill is reported out of both the Committee on Science and the Committee on Education and the Work Force, made several streamlining changes to the introduced bill in order to strengthen the commission.

In addition, this bill includes language to ensure that States are active participants in the commission's selection process by allowing the Chairman and the Vice Chairman of the National

Governors Association to appoint four of the 11 commission members.

The bill has been expanded to cover not only women but minorities and individuals with disabilities as well, as I had previously indicated. The bill, as altered, permits the President to select one member of the commission and, in addition, allows the minority leaders of the House and the Senate to each select one member of the commission.

This change will still only permit 11 individuals to sit on the commission and should be noted that the Speaker of the House and the Senate majority leader get to choose two members each.

Other than the aforementioned changes, this bill is identical to H.R. 3007 as reported out of the Committee on Science.

Finally, I am pleased to note that the bill has received the endorsement of the Institute of Electrical and Electronics Engineers, the National Society of Professional Engineers, Women in Technology, and the Association of Women in Science.

I simply urge my colleagues support of this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Madam Speaker, I thank my colleague for yielding to me.

Madam Speaker, over the past dozen years, technology has reshaped the face of our economy and our society. From transportation to health care to manufacturing to education, all sectors have been transformed. We can only expect that the dynamic growth in high technology industries and the jobs that they will produce will continue well into the 21st Century.

That is good news. But, unfortunately, while we have made significant progress in recent years to bolster our high-tech work force by integrating women and minorities and people with disabilities, their numbers remain pathetically low.

For example, women represent nearly 50 percent of all U.S. workers but they comprise only 22 percent of the entire science and engineering workforce. We can and must do better.

In our increasingly technological society, education in science and engineering is critically important. H.R. 3007 will help us identify how best to bolster the enrollment of women, minority and people with disabilities in science and engineering programs in our universities, and how to boost and retain their numbers in our workforce.

This bill has been endorsed by the IEEE, the Institute of Electrical and Electronics Engineers, the Association of Women in Science, the National Society of Professional Engineers, the American Society of Mechanical Engineers and the American Association of Engineering Societies. These groups recognize that every sector of the population must be represented in their in-

dustry. I strongly support this bill and urge my fellow Members to support it as well. It is good for science, good for the workforce and our economy and good for the future technological vitality of America.

Finally, I thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership, for providing the inspiration and the incentive to get this bill moving. I would say to the gentlewoman from Maryland (Mrs. MORELLA), the House, the Nation, owe you a debt of gratitude.

Mr. DAVIS of Virginia. Madam Speaker, I am very pleased that we are considering today H.R. 3007, the Commission on the Advancement of Women in Science, Engineering, and Technology Development Act, introduced by Representative MORELLA, and of which I am proud to be co-sponsor. This bill is essential to America's continued global competitiveness in developing innovative science and technological advances.

With science and technology being kept components of our nation's economic dominance in the world, we have to keep up in fostering and mining the talents of all our children, both male and female. Since females currently make up very few of our nation's scientists, engineers, and technological innovators, we have a responsibility to steer our businesses, colleges, and communities in a direction that will encourage women to participate in each of these areas.

This legislation represents a critical, positive step towards attracting more women to the study and pursuit of careers in science, engineering, and technology. Fields which have historically been dominated by men. It creates a Commission that will identify over a 1-year period, the factors responsible for the relative lack of women pursuing educations and careers in these disciplines. The Commission will then transmit to Congress their findings and recommendations for encouraging increased female participation in these fields.

I want to commend Mrs. MORELLA for her work on H.R. 3007 in the Science Subcommittee on Technology as well as all of my colleagues on the full Science Committee. This is a worthwhile bill that deserves the support of every Member, and I encourage my colleagues on both sides of the aisle to vote in favor of this legislation.

Mr. MARTINEZ. Madam Speaker, I rise in strong support of H.R. 3007, which would establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.

I applaud my good friend Congresswoman MORELLA for authoring this important piece of legislation.

I also thank my colleague on the Committee on Education and the Workforce for amending the legislation during markup to expand the scope of the Commission to minorities.

Historically, women have been underrepresented in scientific occupations.

Barriers to their pursuit of such careers are often found early in their education, when encouragement to achieve in math and science is much more prevalent for boys than for girls.

However, those women who do choose a career path in the sciences or engineering

also encounter obstacles later in life, when they experience discrimination, harassment, lower salaries, and limited opportunities for advancement as compared to their male counterparts. Minorities face similar obstacles throughout their lives.

Although blacks, Hispanics and native Americans represent 23 percent of the population, only 6 percent are scientists or engineers.

While the prospects for increasing the representation of women and minorities in these fields are improving, much work still needs to be done.

The Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development would focus attention on the barriers to the recruitment, retention, and advancement of women and minorities in the fields of science and engineering and issue recommendations to break down these barriers and promote equal opportunity.

Later this week, we will consider legislation to expand the H-1B program, because high-tech employers are desperate for workers.

It is my contention that we should also be dedicating ourselves to increasing the opportunities for Americans to pursue these careers.

I believe that H.R. 3007 is an important step in this direction, and I urge my colleagues to support its passage.

Mrs. MINK of Hawaii. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. FAWELL. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FAWELL) that the House suspend the rules and pass the bill, H.R. 3007, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. FAWELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3007, S. 2112 and S. 2206.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### CONVEYANCE OF FEDERAL LAND TO CITY OF TRACY, CALIFORNIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2508) to provide for the conveyance of Federal land in San Joaquin



County, California, to the City of Tracy, California, as amended.

The Clerk read as follows:

H.R. 2508

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LAND CONVEYANCE, FEDERAL LAND, SAN JOAQUIN COUNTY, CALIFORNIA.**

(a) **CONVEYANCE REQUIRED.**—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)), the Attorney General shall convey to the City of Tracy, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to two parcels of real property, consisting of a total of approximately 200 acres, which are located in San Joaquin County, California, and currently administered by the Federal Bureau of Prisons of the Department of Justice.

(b) **PURPOSE OF CONVEYANCE.**—(1) One of the parcels to be conveyed under subsection (a) consists of approximately 150 acres and is being conveyed for the purpose of permitting the City to use the parcel as the location of a joint secondary and post secondary educational facility and for other educational purposes. If the City determines that a joint secondary and post secondary educational facility is unfeasible for this parcel, the City shall use up to 50 acres of the parcel for at least 30 years as the location for a secondary school and for other educational purposes and use up to 100 acres of the parcel as a public park and for other recreational purposes.

(2) The other parcel to be conveyed under subsection (a) consists of approximately 50 acres and is being conveyed for the purpose of permitting the City to use the parcel for economic development.

(c) **TIME FOR CONVEYANCE.**—Not later than 210 days after the date of the enactment of this Act, the Attorney General shall complete the conveyance to the City of the parcel of real property referred to in subsection (b)(1).

(d) **CONSIDERATION.**—(1) The parcel of real property referred to in subsection (b)(1) shall be conveyed to the City without consideration.

(2) As consideration for the conveyance of the parcel referred to in subsection (b)(2), the City shall pay to the Attorney General, under such terms as may be negotiated by the City and the Attorney General, an amount equal to the fair market value of the parcel as of the time of the conveyance. The fair market value of the parcel shall be determined, in consultation with the Administrator of General Services, in accordance with Federal appraisal standards and procedures.

(e) **CONDITIONS ON USE.**—(1) The use of the real property conveyed under subsection (a) for educational purposes, as provided in subsection (b)(1), shall be subject to the approval of the Secretary of Education under the guidelines for educational use conveyances under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) If a portion of the conveyed real property is used as a public park or for other recreational purposes, as provided in subsection (b)(1), the use of such portion shall be subject to the approval of the Secretary of the Interior under the guidelines for recreational use conveyances under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(f) **REVERSIONARY INTERESTS.**—(1) During the 20-year period beginning on the date the

Attorney General conveys the parcel referred to in subsection (b)(1), if the Secretary of Education determines that the portion of the parcel that is to be used for educational purposes is not being used for such purposes, all right, title, and interest in and to that portion of the parcel, including any improvements thereon, shall revert to the Department of Justice.

(2) If a portion of the parcel referred to in subsection (b)(1) is to be used as a public park or for other recreational purposes, as provided in such subsection, and the Secretary of the Interior determines that such portion is no longer being used for such purposes, all right, title, and interest in and to that portion of the property, including any improvements thereon, shall revert to the Department of Justice.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Attorney General. The cost of the survey shall be borne by the City.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Attorney General may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Attorney General considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am appearing on behalf of the gentleman from California (Mr. HORN), who has worked on this measure. H.R. 2508 is a bill to provide for the conveyance of Federal land in San Joaquin County, California, to the City of Tracy, California. This piece of legislation transfers a 200 acre parcel of real estate currently administered by the Department of Justice to the City of Tracy, California.

Under this measure, the City of Tracy would be required to devote a section of the land to the establishment of a school; would also be used for economic development. The Federal Government would retain a reversionary interest, should the government find that the land is not used for those purposes.

The land in question, Madam Speaker, has been sitting vacant since 1981. The proposed development of this land by the City of Tracy would bring significant benefits to that area. The amendment in the nature of a substitute makes minor changes to the bill, such as adjusting the requirement that the City of Tracy, California, use a section of the conveyed land for educational purposes and a section for economic development. The city would be required to pay the fair market value for the property used for economic development.

It is a bipartisan measure that will result in improved opportunities for

education, for recreation and economic development, in California's Central Valley. Accordingly, I urge our colleagues to support this measure.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. POMBO).

□ 1500

Mr. POMBO. Madam Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

This bill, H.R. 2508, is the culmination of many years of work that we have put in in trying to address the educational needs of the community that I am from, Tracy, California. The city and the school district have come up with a very innovative idea, and that is to create a school that will be a high-technology school that will take all the way from kindergarten through post-secondary education.

Madam Speaker, as part of that, a small portion of this land would also be dedicated for economic development. That small portion of this land that is dedicated to economic development will be targeted toward high-technology firms, which will have the ability to come in and set up a cooperative effort with the school district so that the kids that are graduated from this school, with the vocational education that they need, can go directly from education into working for these high-technology firms. It is an innovative idea. It is something that a lot of people have worked extremely hard on in coming up with this plan.

But once they came up with the plan for what they were going to do, they needed a site to locate that school. This particular site is located just on the outskirts of town. It is currently located in an area that is zoned either as industrial or residential. It is located right across the street from a major residential development which is planned for the future. It is an ideal site for this kind of a high-technology school to be located. It is also very near the new rail system that is being put in where people will be commuting from the Central Valley in California over to the Bay area. So as far as a transportation corridor, it is ideally located for a post-secondary educational facility, as well as for the needs of the high schools in the area.

Madam Speaker, the city has estimated that over the next 12 years, there is going to be a need for two additional high schools to be built in the City of Tracy. This will just be one of those additional high schools.

I think what we have put together is a plan that is a win-win for everyone. It is creating tax revenue for the local city. It is giving the city a facility for economic development, as well as addressing the needs of our kids in the Federal Government providing just the land for a site for a school system. So, it is very positive. I think it is a win-win situation for everybody.

Madam Speaker, I would like to thank the chairman and the ranking member of the subcommittee who worked with me in putting together this legislation. They were invaluable in trying to negotiate something that was fair to the Federal taxpayer as well as fair to the local school district and local city. I thank them for all the hard work they put in.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH), the ranking member, could not be here at this time. I am pleased to note that the minority has worked with the gentleman from California (Mr. POMBO) and with the majority on this matter of special concern to the gentleman, and we have no objections to this bill.

Mr. Speaker, I yield back the balance of my time.

#### CALIFORNIA AGRICULTURE IS IN CRISIS DUE TO LABOR SHORTAGE

Mr. RADANOVICH. Mr. Speaker, as a Member of Congress from the San Joaquin Valley of California, I am proud to represent the two largest agricultural producing counties in the United States. Currently, a severe shortage of labor is raising concern over the economic future of the agriculture community throughout California. Agricultural production is nearly a \$25 billion industry in the state, and California has the largest agricultural economy in the nation. Right now, farmers are competing for the same scarce labor force as the raisin, table and wine grape harvest is entering its peak and tree fruit in the state of Washington and are in need of labor. California has not seen a labor shortage of this magnitude since World War II.

The agricultural community has worked with numerous San Joaquin Valley Social Services Departments and Employment Development Departments to provide needed labor from individuals who are unemployed or entering the workforce after receiving welfare. Such actions have failed to supply adequate labor for harvest. Agricultural groups in Fresno, California are currently looking into the feasibility of a program through the Fresno County Sheriff's office to allow agriculture to use the labor involved with work furlough programs, community service, and inmate work projects.

The agricultural labor situation can be alleviated through action by the federal government. Under a reformed agricultural worker program, substantial opportunities will be given to foreign workers who can often earn significantly more in the U.S. than in their own country. Such reform reduces illegal immigration by creating a streamlined process to temporarily legalize individuals who choose to work in the agricultural sector of the U.S.

I am working to include the Agricultural Job Opportunity, Benefits and Security Act, authorized by Senator GORDON SMITH (R-OR), in the final conference language of the Commerce, Justice, State and Judiciary appropriations measure. The act was approved as an amendment to S. 2260, the Senate Commerce, Justice, State and Judiciary appropriations bill. It passed by a bipartisan vote of 68-31 in the Senate. Related House legislation did not con-

tain the agricultural worker provision. The Senate measure establishes a national registry within the Department of Labor to track agricultural job seekers. Employers are required to first hire domestic workers from the registry and are able to hire foreign workers if domestic workers are not available. Housing or a housing allowance must be provided by growers, and the prevailing wage rate must be paid. The prevailing wage rate is the mid-point of all wages earned, and it is always higher than the minimum wage.

On behalf of the farmers in the San Joaquin Valley in California, I urge the Commerce, Justice, State, and Judiciary conferees to include the Agricultural Job Opportunity, Benefits, and Security Act in the final bill. I also strongly encourage all members of the House to support its passage. A stable, reliable and affordable food supply is dependent upon Congressional approval of this measure.

Mr. GILMAN. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 2508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2508, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1715

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 5 o'clock and 15 minutes p.m.

#### SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 2206, by the yeas and the nays.

House Concurrent Resolution 304, by the yeas and nays.

House Concurrent Resolution 254, by the yeas and nays; and.

House Concurrent Resolution 185, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

#### HUMAN SERVICES REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2206, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2206, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 346, nays 20, not voting 68, as follows:

(Roll No. 426)

YEAS—346

Abercrombie	Brown (CA)	Delahunt
Aderholt	Brown (OH)	DeLauro
Allen	Bryant	Deutsch
Andrews	Bunning	Diaz-Balart
Archer	Burr	Dickey
Armey	Burton	Dicks
Baesler	Buyer	Dixon
Baker	Callahan	Dooley
Baldacci	Calvert	Doyle
Ballenger	Camp	Dunn
Barcia	Campbell	Edwards
Barrett (NE)	Canady	Ehlers
Barrett (WI)	Cannon	Ehrlich
Bartlett	Capps	Emerson
Barton	Cardin	Ensign
Bass	Castle	Eshoo
Bateman	Chabot	Etheridge
Becerra	Chambliss	Everett
Bentsen	Chenoweth	Ewing
Bereuter	Christensen	Farr
Berman	Clay	Fattah
Berry	Clement	Fawell
Bilbray	Clyburn	Fazio
Bilirakis	Combust	Filner
Bishop	Condit	Foley
Blagojevich	Conyers	Forbes
Bliley	Cooksey	Ford
Blunt	Costello	Fossella
Boehrlert	Cox	Fowler
Boehner	Coyne	Fox
Bonilla	Cramer	Frank (MA)
Bonior	Cubin	Franks (NJ)
Bono	Cummings	Frelinghuysen
Borski	Cunningham	Frost
Boswell	Davis (FL)	Galleghy
Boucher	Davis (IL)	Ganske
Boyd	Davis (VA)	Gedjenson
Brady (PA)	DeFazio	Gekas
Brady (TX)	DeGette	Gephardt



Gibbons  
Gilchrist  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Gordon  
Graham  
Granger  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inglis  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)  
Johnson, E.B.  
Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy (RI)  
Kildee  
Kim  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Klug  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
Lampson  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder

Lipinski  
Livingston  
LoBiondo  
Lofgren  
Lucas  
Luther  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHale  
McHugh  
McInnis  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (CA)  
Mink  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Obey  
Oliver  
Ortiz  
Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pascarelli  
Pastor  
Paxon  
Payne  
Pease  
Peterson (MN)  
Peterson (PA)  
Petr  
Pickett  
Pitts  
Pomeroy  
Porter  
Portman  
Price (NC)  
Quinn  
Rahall  
Ramstad  
Redmond  
Regula  
Reyes  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers

Rohrabacher  
Roukema  
Roybal-Allard  
Sabo  
Salmon  
Sánchez  
Sanders  
Sandlin  
Sawyer  
Schaefer, Dan  
Schaffer, Bob  
Scott  
Serrano  
Shadegg  
Shaw  
Shays  
Sherman  
Shimkus  
Shuster  
Slusky  
Siskis  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Adam  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Spratt  
Stark  
Stenholm  
Stokes  
Strickland  
Stupak  
Sununu  
Talent  
Tanner  
Tauscher  
Taylor (MS)  
Thomas  
Thompson  
Thornberry  
Thune  
Thurman  
Tierney  
Torres  
Traficant  
Turner  
Upton  
Vento  
Visclosky  
Walsh  
Wamp  
Waters  
Watkins  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Weygand  
White  
Whitfield  
Wicker  
Wilson  
Wise  
Wolf  
Woolsey  
Wynn  
Young (AK)

## NAYS—20

Coble  
Coburn  
Collins  
Crane  
Deal  
DeLay  
Doolittle

Duncan  
Istook  
McIntosh  
Miller (FL)  
Paul  
Pombo  
Radanovich

Royce  
Sanford  
Scarborough  
Sensenbrenner  
Stearns  
Stump

## NOT VOTING—68

Ackerman  
Bachus  
Barr  
Blumenauer  
Brown (FL)  
Carson  
Clayton

Cook  
Crapo  
Danner  
Dingell  
Doggett  
Dreier  
Engel

English  
Evans  
Furse  
Gonzalez  
Goss  
Green  
Hansen

Harman  
Hastings (FL)  
Hooley  
Jefferson  
Kennedy (MA)  
Kennelly  
Kilpatrick  
Klink  
LaHood  
Lewis (GA)  
Lowey  
Maloney (CT)  
Maloney (NY)  
Manzullo  
McCarthy (MO)  
McDade

McIntyre  
Meeks (NY)  
Minge  
Moakley  
Nadler  
Neal  
Oberstar  
Owens  
Pelosi  
Pickering  
Poshard  
Pryce (OH)  
Rangel  
Riggs  
Ros-Lehtinen  
Rothman

Rush  
Ryun  
Saxton  
Schumer  
Sessions  
Stabenow  
Tauzin  
Taylor (NC)  
Tiahrt  
Towns  
Velázquez  
Watt (NC)  
Waxman  
Yates  
Young (FL)

□ 1737

Mrs. WILSON and Mr. HASTERT changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 426 on S. 2206, I was unavoidably detained in transit on US Airways. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 426, the Community Opportunities, Accountability, and Training and Educational Services Act of 1998, S. 2206, I was unavoidably detained. Had I been present, I would have voted "yea."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## SENSE OF CONGRESS REGARDING SLOBODAN MILOSEVIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 304.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 304, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 1, answered "present" 1, not voting 63, as follows:

[Roll No. 427]

YEAS—369

Abercrombie  
Aderholt  
Dickey  
Allen  
Dicks  
Dingell  
Andrews  
Archer  
Armey  
Baesler  
Baker  
Baldacci  
Ballenger  
Barcia  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berman  
Berry  
Bilbray  
Billrakis  
Bishop  
Blagojevich  
Bliley  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (CA)  
Brown (OH)  
Bryant  
Bunning  
Burr  
Burton  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Cardin  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Clay  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cooksey  
Costello  
Cox  
Coyle  
Cramer  
Crane  
Cubin  
Cummings  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeFazio  
DeGette  
DeLauro  
DeLay  
Deutsch

Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Ensign  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Fawell  
Fazio  
Filner  
Foley  
Forbes  
Ford  
Fossella  
Fowler  
Fox  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Furse  
Gallegly  
Ganske  
Gejdenson  
Gephardt  
Gibbons  
Gilchrist  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Gordon  
Graham  
Granger  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
John

Johnson (CT)  
Johnson (WI)  
Johnson, E.B.  
Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy (RI)  
Kildee  
Kim  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Klug  
Knollenberg  
Kolbe  
LaFalce  
Lampson  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Livingston  
LoBiondo  
Lofgren  
Lucas  
Luther  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHale  
McHugh  
McInnis  
McIntosh  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (CA)  
Miller (FL)  
Mink  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Obey  
Oliver  
Ortiz  
Oxley  
Packard  
Pallone  
Pappas  
Parker

Pascarell	Sanford	Stupak
Pastor	Sawyer	Sununu
Paxon	Saxton	Talent
Payne	Scarborough	Tanner
Pease	Schaefer, Dan	Tauscher
Peterson (MN)	Schaffer, Bob	Taylor (MS)
Peterson (PA)	Scott	Thomas
Petri	Sensenbrenner	Thompson
Pickett	Serrano	Thornberry
Pitts	Shadegg	Thune
Pombo	Shaw	Thurman
Pomeroy	Shays	Tierney
Porter	Sherman	Torres
Portman	Shimkus	Trafigant
Price (NC)	Shuster	Turner
Quinn	Siskis	Upton
Radanovich	Skaggs	Vento
Rahall	Skeen	Visclosky
Ramstad	Skelton	Walsh
Redmond	Slaughter	Wamp
Regula	Smith (MI)	Waters
Reyes	Smith (NJ)	Watkins
Riley	Smith (OR)	Watts (OK)
Rivers	Smith (TX)	Weldon (FL)
Rodriguez	Smith, Adam	Weldon (PA)
Roemer	Smith, Linda	Weller
Rogan	Snowbarger	Wexler
Rogers	Snyder	Weygand
Rohrabacher	Solomon	White
Roukema	Souder	Whitfield
Roybal-Allard	Spence	Wicker
Royce	Spratt	Wilson
Ryun	Stark	Wise
Sabo	Stearns	Wolf
Salmon	Stenholm	Woolsey
Sánchez	Stokes	Wynn
Sanders	Strickland	Young (AK)
Sandlin	Stump	

## NAYS—1

Paul

## ANSWERED "PRESENT"—1

Kucinich

## NOT VOTING—63

Ackerman	Hooley	Pelosi
Bachus	Jefferson	Pickering
Barr	Kennedy (MA)	Poshard
Blumenauer	Kennelly	Pryce (OH)
Brown (FL)	Kilpatrick	Rangel
Buyer	Klink	Riggs
Carson	LaHood	Ros-Lehtinen
Clayton	Lewis (GA)	Rothman
Cook	Lowey	Rush
Crapo	Maloney (CT)	Schumer
Cunningham	Maloney (NY)	Sessions
Engel	Manzullo	Stabenow
English	McDade	Tauzin
Gekas	McIntyre	Taylor (NC)
Gonzalez	Meeks (NY)	Tiahrt
Goss	Minge	Towns
Green	Moakley	Velázquez
Hamilton	Nadler	Watt (NC)
Hansen	Neal	Waxman
Harman	Oberstar	Yates
Hastings (FL)	Owens	Young (FL)

□ 1745

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 427, expressing the sense of Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, H. Con. Res. 304, I was unavoidably detained. Had I been present, I would have voted "yea."

## CALLING ON GOVERNMENT OF CUBA TO EXTRADITE JOANNE CHESIMARD TO UNITED STATES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 254, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 63, as follows:

[Roll No. 428]

## YEAS—371

Abercrombie	Condit	Gephardt
Aderholt	Conyers	Gibbons
Allen	Cooksey	Gilchrest
Andrews	Costello	Gillmor
Armey	Cox	Gilman
Baerles	Coyne	Goode
Baker	Cramer	Goodlatte
Baldacci	Crane	Goodling
Ballenger	Cubin	Gordon
Barcia	Cummings	Granger
Barrett (NE)	Cunningham	Greenwood
Barrett (WI)	Danner	Gutierrez
Bartlett	Davis (FL)	Gutknecht
Barton	Davis (IL)	Hall (OH)
Bass	Davis (VA)	Hall (TX)
Bateman	Deal	Hamilton
Becerra	DeFazio	Hastert
Bentsen	DeGette	Hastings (WA)
Bereuter	Delahunt	Hayworth
Berry	DeLauro	Hefley
Billbray	DeLay	Hefner
Billrakis	Deutsch	Herger
Bishop	Diaz-Balart	Hill
Blagojevich	Dickey	Hilleary
Bliley	Dicks	Hilliard
Blunt	Dingell	Hinche
Boehrlert	Dixon	Hinojosa
Bonilla	Doggett	Hobson
Bonior	Dooley	Hoekstra
Bono	Doolittle	Holden
Borski	Doyle	Horn
Boswell	Dreier	Hostettler
Boucher	Duncan	Houghton
Boyd	Dunn	Hoyer
Brady (PA)	Edwards	Hulshof
Brady (TX)	Ehlers	Hunter
Brown (CA)	Ehrlich	Hutchinson
Brown (OH)	Emerson	Hyde
Bryant	Ensign	Inglis
Bunning	Eshoo	Istook
Burr	Etheridge	Jackson (IL)
Burton	Evans	Jackson-Lee
Buyer	Everett	(TX)
Callahan	Ewing	Jenkins
Calvert	Farr	John
Camp	Fattah	Johnson (CT)
Campbell	Fawell	Johnson (WI)
Canady	Fazio	Johnson, E. B.
Cannon	Filner	Johnson, Sam
Capps	Foley	Jones
Cardin	Forbes	Kanjorski
Carson	Ford	Kaptur
Castle	Fossella	Kasich
Chabot	Fowler	Kelly
Chamberliss	Fox	Kennedy (RI)
Chenoweth	Frank (MA)	Kildee
Christensen	Franks (NJ)	Kim
Clay	Frelinghuysen	Kind (WI)
Clement	Frost	King (NY)
Clyburn	Furse	Kingston
Coble	Gallely	Klecza
Coburn	Ganske	Klug
Collins	Gejdenson	Knollenberg
Combest	Gekas	Kolbe

Kucinich	Oliver	Siskis
LaFalce	Ortiz	Skaggs
Lampson	Oxley	Skeen
Lantos	Packard	Skelton
Largent	Pallone	Slaughter
Latham	Pappas	Smith (MI)
LaTourette	Parker	Smith (NJ)
Lazio	Pascarell	Smith (OR)
Leach	Pastor	Smith (TX)
Lee	Paul	Smith, Adam
Levin	Paxon	Smith, Linda
Lewis (CA)	Payne	Snowbarger
Lewis (KY)	Pease	Snyder
Linder	Peterson (MN)	Solomon
Lipinski	Peterson (PA)	Souder
Livingston	Petri	Spence
LoBlundo	Pickett	Spratt
Lofgren	Pitts	Stark
Lucas	Pombo	Stearns
Luther	Pomeroy	Stenholm
Manton	Porter	Stokes
Markey	Portman	Strickland
Martinez	Price (NC)	Stump
Mascara	Quinn	Stupak
Matsui	Radanovich	Sununu
McCarthy (MO)	Rahall	Talent
McCarthy (NY)	Ramstad	Tanner
McCollum	Redmond	Tauscher
McCrery	Regula	Taylor (MS)
McDermott	Reyes	Thomas
McGovern	Riley	Thompson
McHale	Rivers	Thornberry
McHugh	Rodriguez	Thune
McInnis	Roemer	Thurman
McIntosh	Rogan	Tierney
McKeon	Rogers	Torres
McKinney	Rohrabacher	Trafigant
McNulty	Roukema	Turner
Meehan	Roybal-Allard	Upton
Meek (FL)	Royce	Vento
Menendez	Ryun	Visclosky
Metcalfe	Sabo	Walsh
Mica	Salmon	Wamp
Millender-	Sánchez	Waters
McDonald	Sanders	Watkins
Miller (CA)	Sandlin	Weldon (FL)
Miller (FL)	Sanford	Weldon (PA)
Mink	Sawyer	Weller
Mollohan	Saxton	Wexler
Moran (KS)	Scarborough	Weygand
Moran (VA)	Schaefer, Dan	White
Morella	Schaffer, Bob	Whitfield
Murtha	Scott	Wicker
Myrick	Sensenbrenner	Wilson
Nethercutt	Serrano	Wolf
Neumann	Shadegg	Woolsey
Ney	Shaw	Wynn
Northup	Shays	Young (AK)
Norwood	Sherman	
Nussle	Shimkus	
Obey	Shuster	

## NOT VOTING—63

Ackerman	Jefferson	Pickering
Archer	Kennedy (MA)	Poshard
Bachus	Kennelly	Pryce (OH)
Barr	Kilpatrick	Rangel
Berman	Klink	Riggs
Blumenauer	LaHood	Ros-Lehtinen
Boehner	Lewis (GA)	Rothman
Brown (FL)	Lowey	Rush
Clayton	Maloney (CT)	Schumer
Cook	Maloney (NY)	Sessions
Crapo	Manzullo	Stabenow
Engel	McDade	Tauzin
English	McIntyre	Taylor (NC)
Gonzalez	Meeks (NY)	Tiahrt
Goss	Minge	Towns
Graham	Moakley	Velázquez
Green	Nadler	Watt (NC)
Hansen	Neal	Waxman
Harman	Oberstar	Wise
Hastings (FL)	Owens	Yates
Hooley	Pelosi	Young (FL)

□ 1753

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.



A motion to reconsider was laid on the table.

### PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 428, calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesinard and all other individuals who have fled the United States to avoid prosecution of confinement for criminal offenses and who are currently living freely in Cuba, H. Con. Res. 254, I was unavoidably detained. Had I been present, I would have voted "yea."

### SENSE OF CONGRESS ON 50TH ANNIVERSARY OF SIGNING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 185.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 2, not voting 62, as follows:

[Roll No. 429]

YEAS—370

Abercrombie	Burr	Deutsch
Aderholt	Burton	Diaz-Balart
Allen	Buyer	Dickey
Andrews	Callahan	Dicks
Archer	Calvert	Dingell
Armey	Camp	Dixon
Baessler	Campbell	Doggett
Baker	Canady	Doolley
Baldacci	Cannon	Doolittle
Ballenger	Capps	Doyle
Barcia	Cardin	Dreier
Barrett (NE)	Carson	Duncan
Barrett (WI)	Castle	Dunn
Bartlett	Chabot	Edwards
Barton	Chambliss	Ehlers
Bass	Christensen	Ehrlich
Bateman	Clay	Emerson
Becerra	Clement	Ensign
Bentsen	Clyburn	Eshoo
Bereuter	Coble	Etheridge
Berman	Coburn	Evans
Berry	Collins	Everett
Bilbray	Combest	Ewing
Bilirakis	Condit	Farr
Bishop	Conyers	Fattah
Blagojevich	Cooksey	Fawell
Bliley	Costello	Fazio
Blunt	Cox	Filner
Boehlert	Cramer	Foley
Boehner	Crane	Forbes
Bonilla	Cubin	Ford
Bonior	Cummins	Fossella
Bono	Cunningham	Fowler
Borski	Danner	Fox
Boswell	Davis (FL)	Frank (MA)
Boucher	Davis (IL)	Franks (NJ)
Boyd	Davis (VA)	Frelinghuysen
Brady (PA)	Deal	Frost
Brady (TX)	DeFazio	Furse
Brown (CA)	DeGette	Gallely
Brown (OH)	Delahunt	Ganske
Bryant	DeLauro	Gejdenson
Bunning	DeLay	Gekas

Gephardt	Lucas	Sabo
Gibbons	Luther	Salmon
Gilchrest	Manton	Sanchez
Gillmor	Markey	Sanders
Gilman	Martinez	Sandlin
Goode	Mascara	Sanford
Goodlatte	Matsui	Sawyer
Goodling	McCarthy (MO)	Saxton
Gordon	McCarthy (NY)	Scarborough
Graham	McCollum	Schaefer, Dan
Greenwood	McCrery	Schaffer, Bob
Gutierrez	McDermott	Scott
Gutknecht	McGovern	Sensenbrenner
Hall (OH)	McHale	Serrano
Hall (TX)	McHugh	Shadegg
Hamilton	McInnis	Shaw
Hastert	McIntosh	Shays
Hastings (WA)	McKeon	Sherman
Hayworth	McKinney	Shimkus
Hefley	McNulty	Shuster
Hefner	Meehan	Siskis
Herger	Meek (FL)	Skaggs
Hill	Menendez	Skeen
Hilleary	Metcalfe	Skelton
Hilliard	Mica	Slaughter
Hinche	Miller (CA)	Smith (MI)
Hinojosa	Miller (FL)	Smith (NJ)
Hobson	Mink	Smith (OR)
Hoekstra	Mollohan	Smith (TX)
Holden	Moran (KS)	Smith, Adam
Horn	Moran (VA)	Smith, Linda
Hostettler	Morella	Snowbarger
Houghton	Murtha	Snyder
Hoyer	Myrick	Solomon
Hulshof	Nethercutt	Souder
Hunter	Neumann	Spence
Hutchinson	Ney	Spratt
Hyde	Northup	Stark
Inglis	Norwood	Stearns
Istook	Nussle	Stenholm
Jackson (IL)	Obey	Stokes
Jackson-Lee	Oliver	Strickland
(TX)	Ortiz	Stump
Jenkins	Oxley	Stupak
John	Packard	Sununu
Johnson (CT)	Pallone	Talent
Johnson (WI)	Pappas	Tanner
Johnson, E. B.	Parker	Tauscher
Johnson, Sam	Pascrell	Taylor (MS)
Jones	Pastor	Thomas
Kanjorski	Paxon	Thompson
Kaptur	Payne	Thornberry
Kasich	Pease	Thune
Kelly	Peterson (MN)	Thurman
Kennedy (RI)	Peterson (PA)	Tierney
Kildee	Petri	Torres
Kim	Pickett	Trafficant
Kind (WI)	Pitts	Turner
King (NY)	Pombo	Upton
Kingston	Pomeroy	Vento
Kleczka	Porter	Visclosky
Klug	Portman	Walsh
Knollenberg	Price (NC)	Wamp
Kolbe	Quinn	Waters
Kucinich	Radanovich	Watkins
LaFalce	Rahall	Watts (OK)
Lampson	Ramstad	Weldon (FL)
Lantos	Redmond	Weldon (PA)
Largent	Regula	Weller
Latham	Reyes	Wexler
LaTourette	Riley	Weygand
Leach	Rivers	White
Lee	Rodriguez	Whitfield
Levin	Roemer	Wicker
Lewis (CA)	Rogan	Wilson
Lewis (KY)	Rogers	Wise
Linder	Rohrabacher	Wolf
Lipinski	Roukema	Woolsey
Livingston	Royal-Allard	Wynn
LoBlundo	Royce	Young (AK)
Lofgren	Ryun	

NAYS—2

Paul

NOT VOTING—62

Ackerman	Engel	Hooley
Bachus	English	Jefferson
Barr	Gonzalez	Kennedy (MA)
Blumenauer	Goss	Kennelly
Brown (FL)	Granger	Kilpatrick
Clayton	Green	Klink
Cook	Hansen	LaHood
Coyne	Harman	Lazio
Crapo	Hastings (FL)	Lewis (GA)

Lowey	Neal	Schumer
Maloney (CT)	Oberstar	Sessions
Maloney (NY)	Owens	Stabenow
Manzullo	Pelosi	Tauzin
McDade	Pickering	Taylor (NC)
McIntyre	Poshard	Tiahrt
Meeks (NY)	Pryce (OH)	Towns
Millender	Rangel	Velazquez
McDonald	Riggs	Watt (NC)
Minge	Ros-Lehtinen	Waxman
Moakley	Rothman	Yates
Nadler	Rush	Young (FL)

□ 1801

So the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on S. 2206, the Community Opportunities, Accountability, Training and Educational Services Act of 1998; "aye" on H. Con. Res. 304, Regarding the Culpability of Slobodan Milosevic for War Crimes; "aye" on H. Con. Res. 254, Calling on the Government of Cuba to Extradite Several Convicted Felons; and "aye" on H. Con. Res. 185, Expressing the Sense of the Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights.

### PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, on rollcall votes Nos. 426, 427, 428, and 429, I was unavoidably detained. Had I been present to vote, I would have voted Yea on all four rollcall votes.

### PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 429, Expressing the Sense of the Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights and Recommending the United States to the Principles Expressed in the Universal Declaration, H. Con. Res. 185 I was unavoidably detained. Had I been present, I would have voted "yea."

### SENSE OF CONGRESS REGARDING SLOBODAN MILOSEVIC

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (H. Con. Res. 105) expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 105

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas "ethnic cleansing" has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the "Tribunal"), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the amount of \$54,000,000 in assessed payments and more than \$11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in

the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) the United States should publicly declare that it considers that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (Serbia and Montenegro), has committed war crimes, crimes against humanity and genocide;

(2) the United States should make collection of information that can be supplied to the Tribunal for use as evidence to support an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, and genocide a high priority;

(3) any such information concerning President Slobodan Milosevic already collected by the United States should be provided to the Tribunal as soon as possible;

(4) the United States should provide a fair share of any additional financial or personnel resources that may be required by the Tribunal in order to enable the Tribunal to adequately address preparation for, indictment of, prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo;

(5) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of information any such state may hold relating to allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo, and press such states to promptly provide all such information to the Tribunal;

(6) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of measures to be taken to apprehend indicted war criminals and persons indicted for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the Tribunal; and

(7) the United States should urge the Tribunal to promptly review all information relating to President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 304) was laid on the table.

#### PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, due to travel delays, I unavoidably missed rollcall vote No. 426 and No. 427. Had I been here, I would have voted in the affirmative.

#### AUTHORIZING PRINTING OF PUBLICATION ENTITLED "THE UNITED STATES CAPITOL" AS SENATE DOCUMENT

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 115) to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 115

*Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.*

(b) There shall be printed 2,000,000 copies of the pamphlet in the English language at a cost not to exceed \$100,000 for distribution as follows:

(1)(A) 206,000 copies of the publication for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the publication for the use of the House of Representatives, with 2,000 copies distributed to each Member; and

(C) 908,000 of the publication for distribution to the Capitol Guide Service; or

(2) if the total printing and production costs of copies in paragraph (1) exceed \$100,000, such number of copies of the publication as does not exceed total printing and production costs of \$100,000, with distribution to be allocated in the same proportion as in paragraph (1).

(c) In addition to the copies printed pursuant to subsection (b), there shall be printed at a total printing and production cost of not to exceed \$70,000—

(1) 50,000 copies of the pamphlet in each of the following 5 languages: German, French, Russian, Chinese, and Japanese; and

(2) 100,000 copies of the pamphlet in Spanish;

to be distributed to the Capitol Guide Service.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### REPORT ON UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United



States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

*To the Congress of the United States:*

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997. The report is required by the United Nations Participation Act (Public Law 79-264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 14, 1998.

#### REPORT ON NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

*To the Congress of the United States:*

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1997, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 13 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1997. The National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. There were 23 successful U.S. Expendable Launch Vehicle (ELV) launches in FY 1997. Of those, 4 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 5 were Department of Defense-managed missions, and 12 were FAA-licensed commercial launches. The Mars Pathfinder spacecraft and Sojourner rover captured the public's attention with a very successful mission. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-Mir docking missions and on the International Space Station program. The United States also entered into new

forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1997 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 14, 1998.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### GREAT LAKES NOT FOR SALE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last spring, the Canadian Province of Ontario approved a permit that would have allowed the Nova Group, an Ontario-based company, to divert 3 billion liters of water from Lake Superior over the next 5 years and sell that water to unspecified Asian countries.

In April, several of my colleagues, led by the gentleman from Michigan (Mr. STUPAK), and I introduced House Resolution 418 urging the President and the Senate to take the necessary action to prohibit the sale or diversion of Great Lakes water to foreign countries, businesses, corporations or individuals. Two weeks later, the Ministry of Environment of Canada announced the permit issued to the Nova Group would be canceled, but the door remained open to companies who wanted to buy and sell water out of the Great Lakes. We need to slam that door shut.

Last week, on September 2, the Nova Group asked the Ontario Environmental Appeals Board to overturn the decision, withdrawing the permit, and allow that company to proceed with its bid to export billions of liters of fresh water to several Asian countries.

The gentleman from Michigan (Mr. STUPAK) and I and others have asked Speaker GINGRICH and Minority Leader GEPHARDT to have the House consider House Resolution 418 under suspension in the next couple of weeks.

This proposed sale is particularly troubling, due to the existence of several treaties and agreements between the United States and Canada, which would restrict or prohibit this kind of water diversion. The Water Resources Development Act prohibits the diversion of water from the Great Lakes to other parts of the United States without the consent of each of the Governors of the Great Lakes States. I be-

lieve these States should continue to have authority regarding any plans to divert or sell this water internationally.

This proposal would set a dangerous precedent that could lead to more extensive exports of Great Lakes water around the globe. The diversion of Great Lakes water could have a serious impact on the region's trade, the environment, the ecology, international treaties, drinking water, recreation, commercial activities, and shipping.

The Great Lakes are clearly one of this Nation's most valuable resources, and should not be used as a tool for profit by foreign or American companies. Northeast Ohio depends on Lake Erie for sustaining numerous parts of our economy, including transportation, agriculture, fisheries, energy and trade, not to mention drinking water. All of the Great Lakes States, Minnesota, Michigan, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania and New York, all of us depend on the five Great Lakes for much of our commerce, for much of our economic development, for drinking water, for recreation, for fishing, for all kinds of activities.

I urge the Governments of Canada and the United States to develop a new policy bilaterally that prohibits any sale or diversion of water from the Great Lakes and that we make this prohibition for generations to come. We cannot afford, Mr. Speaker, to put the Great Lakes up for sale.

#### PRESIDENT SHOULD RESIGN FROM OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I stand before my colleagues again to reaffirm my position made a couple of weeks ago that the President of the United States should resign from office.

Now, I know that a lot of my colleagues are engaged in a very active debate which will continue for some period of time about whether or not the President in fact should continue in office, or whether or not the President is guilty of certain allegations that have been brought forth. But I want to put this on a practical point of view.

I think the best comparison that we can make is to compare it to the quarterback of a football team. Our President is the quarterback of this team. He is the most important and most responsible, is supposed to have the most responsibility of any individual citizen in this country. Frankly, we now have a quarterback with a broken arm.

Now, think about it. No matter how we think that quarterback got his arm broken, and I happen to think it was self-inflicted, I happen to think he brought it upon himself, but there are

those of us who think that it was not brought on by his own actions, or that he did not deserve a broken arm, but the fact is, the President has a broken arm. He cannot quarterback the team.

Now, our team is the most powerful team in the world. There are a lot of people that are gunning for us. We cannot afford to have a quarterback who cannot carry out the responsibilities of the team on the field.

But we had the foresight to think about this. We have in this country a backup plan. We have a backup quarterback. We have a backup quarterback on the sidelines ready to go. It is important for this team, it is important for the United States of America, to have somebody who can carry out the responsibilities that are placed upon this job.

I also want to speak about standards. Coming on the airplane today back to Washington, D.C., I heard people say, well, let us just take a wink at this thing. Let us put it aside. I said, wait a second. What would happen to a school teacher? How many teachers in any district in this country, if they got that kind of report on them, on Friday, would be in a classroom today, on Monday?

Let us go back to sports. Look at Marv Albert. He had some kind of a sexual problem. He had a public job, he was in the public. It is the same thing here. People say, well, it is one's private life. Folks, this is a public job. It is public business. The same thing with Kelly Flynn. She was flying a nuclear bomber. They relieved her of command of that bomber because that position involves so much responsibility, is so important to the team, we could not afford to have her on this with the lies about her affair.

What about the Commander in Chief? We have standards. We have standards for a Boy Scout or a Girl Scout to get a good citizenship award. How can we explain to them that, well, the standards are applicable unless one is in elected office in this government, and then we kind of wink about it?

I heard somebody on the airplane say, well, you know, everybody lies. Everybody does not lie. Everybody does not lie to a spouse or a grand jury.

□ 1815

Everybody does not deal in that way. Everybody does not lie to a civil jury. Everybody does not do this kind of behavior. I am one of those people that is pretty optimistic to think in fact everybody or most everybody in this country has a sense of responsibility.

Most people in this country want high standards for their schoolteacher. They want high standards for the principal. They want high standards for their Congressman, and they certainly want high standards for the President of the United States.

Whether we agree or not that the President got himself into his own

problems, the question is can he now, with the situation as it exists, meet those high standards? Has he met those high standards?

Is this the example that any one of us would go into a classroom tomorrow and say I am proud of the President of the United States; this is what the Presidency should reflect?

How many of our young people at our schools when we ask them the four or five most admired people in the world, how many of them are going to list the President of the United States as one of them?

Since the President's speech on August 17, I have not been to one group, not one group of three or more people, where I have not heard a joke degrading the Presidency of the United States.

Folks, put our arguments aside about whether the President should or should not be there. The question is: Can he effectively quarterback our team with a broken arm? And the answer is very, very simple. He cannot. The President of the United States should resign. It is his responsibility. It is his duty. It is his country which comes first.

#### CURRENT CHAOS AND CRISIS IN RUSSIA

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Speaker, early this morning I announced that, between now and the end of this legislative session, I shall take some time at the end of each legislative day's business to discuss the foreign policy issue. I am one of those who is overdosed on topic number one, which seems to mesmerize the media and some of the public.

I am of the opinion that the rest of the world has not come to a stop, that things are going on in Russia and Indonesia and the Balkans and in Brazil. We as elected Representatives have to deal with these issues.

Today I would like to begin a dialogue on Russia, the current chaos and crisis in Russia. I am inviting all of my colleagues across the political spectrum to join me in this dialogue. I wish we had spent 10 percent as much on the ramifications of the Russian crisis for American security in the years ahead as we spent on topic number one during the course of this past weekend.

Russia, Mr. Speaker, is in deep trouble. Gone are the great hopes of the early 1990s when the collapse of the Soviet Union gave all of us the dream that we will be able to cooperate with a democratic, increasingly prosperous Russia becoming a part of the family of nations and the partner and ally of the United States.

There is a great deal of blame that goes around. My purpose here is not to

find fault with leaders here and abroad who make mistakes. My purpose is to deal with the Russia as we find her in mid September 1998 and ask some policy questions as to how we might be able to assist them to turn around the very dangerous course on which they have embarked.

Let me begin with the new Prime Minister of Russia, Mr. Primakov. From our point of view, no worse choice could have been possible. Primakov served loyally every Communist leader from Brezhnev on. He was head of the Russian International Spy Service. He is a close personal friend of Saddam Hussein and a close personal friend of Slobodan Milosevic who on this very floor a few minutes ago we declared a war criminal.

He is strongly anti-American. His appeal to the Russian Duma to a very large extent stems from his anti-American policies which he has pursued faithfully and with perseverance since becoming Foreign Minister of Russia. So I do not have very high hopes for Mr. Primakov.

But let me say, compared to the chaos, compared to the confusion, compared to the disintegration in Russia that we have seen in recent weeks, he may be the best momentary alternative. The Duma has voted him in. He is likely to enjoy the support of the Duma for some time to come.

The question for us to ask is how can we work with Primakov and this new Russian government in the very difficult days and weeks that lie ahead.

Let me say first a word about the economic crisis. Every week, millions of additional Russians are falling below the poverty level of Russia. The Russian poverty level is a very low level. Just in the first week of September, Mr. Speaker, prices in Russia increased by 36 percent. Russia has defaulted on its foreign debt obligations.

The hope that Russia can be transformed into a democratic market economy in the short run is gone. It is self-evident that, under this new government, there will be retrograde policies introduced. The printing presses will begin. Wages will be paid to people who have not been paid for months and months, but the following inflation will bring about further social dislocation and deterioration.

The regions of Russia are beginning to feel their new found power. There is a distinct possibility that Russia will break up into its constituent regions.

Tomorrow evening, with the Speaker's permission, I would like to continue with this discussion by focusing upon the regions of Russia, many of whom are determined to strike out for independence and to reject the central authority of Moscow.



# SUBSTANCE ABUSE TREATMENT PARITY NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, while the Speaker's announced goal of a drug-free America by 2002 is a laudable one, it is also completely unrealistic without a meaningful treatment strategy. We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for 26 million Americans who are currently suffering the ravages of drug and alcohol addiction.

Since 1956, the American Medical Association has recognized that alcoholism and drug addiction are a disease. Yet only 2 percent of alcoholics and addicts covered by health insurance plans are receiving treatment, notwithstanding the purported coverage of chemical dependency treatment by these plans. That is because of discriminatory caps, artificially high deductibles and co-payments as well as other restrictions on chemical dependency treatment such as limited treatment stays that are different from other diseases.

To reduce illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases.

Providing equal access to chemical dependency treatment with treatment for other diseases covered by health plans is not only the smart medical approach, it is also cost effective. It is not only the right thing to do, it is also the cost effective thing to do.

We have all the empirical data in the world, including the actuarial studies, to prove that parity for chemical dependency treatment will not raise premiums, will not raise health insurance premiums by more than one-half of 1 percent in the worst case scenario.

So for the price of a cup of coffee per month increasing the premiums, we can treat millions and millions of Americans who are suffering from addiction. This does not include the billions of dollars of cost savings that were a result from the treatment parity. It is well documented that, for every dollar we spend in treatment, we save \$7 in the cost of prison construction, social welfare costs, health care costs, cost of lost productivity through job absenteeism, injuries, sub-par work performance and so forth.

Other studies have shown health care costs alone are 100 percent higher for untreated alcoholics and addicts compared to those who receive treatment. Health care costs are 100 percent higher for those who go untreated. Last year alone, Mr. Speaker, the cost of addiction in the United States totaled \$140 billion.

The recent Bill Moyers television documentation pointed out, and med-

ical experts and treatment professionals agree, that providing access to treatment is the only way to combat addiction in America. We can build all the fences on our borders, surround our country with fences, hire thousands more border guards, but simply dealing with the supply side is not going to make a dent in the drug problem. It is not going to solve the drug problem. We have got to emphasize the treatment component and include it in our strategy.

Believe me, as a recovering alcoholic myself, I know firsthand the value of treatment. As someone who stays close to other recovering people and to other alcoholics and addicts, I am absolutely alarmed by the dwindling access to treatment for people who need it.

That is why H.R. 2409 the Substance Abuse Treatment Parity Act, which I have authored with 92 cosponsors from all political persuasions, on both sides of the aisle from the far right to the far left, 92 cosponsors, must be included in the drug-free America legislative package for that package to have any credibility in the real world.

This legislation would provide access to treatment by prohibiting discrimination against alcoholics and addicts. If we agree that addiction is a disease, then we should treat it like every other disease and not let insurance companies discriminate against treatment.

This is not a mandate. I have heard that argument by some of the opponents of this legislation. This is not a mandate. All we are saying is that, if you and your plan are covered for chemical dependency treatment, you should not be limited to 2 to 7 days, which most companies are doing. Because every chemical dependency program in the world knows you cannot get effective treatment in 2 to 7 days. So this is not another mandate.

In addition, the legislation that I have sponsored waives the parity requirement if premiums increase by more than 1 percent. It is off. Also, small businesses with fewer than 50 employees would be exempt in the first place.

Mr. Speaker, if we fail to address the underlying addiction problem in America, the violent crime problem is going to continue to worsen, and this drug-free America goal will continue to be illusory and unattainable.

It might make good politics to some to talk about building more prevention and more border patrol, but it is not working. It is not working. We have got to deal with the fact that there are 26 million addicts in this country who are going untreated, and we have got to address treatment. That component must be in a meaningful and realistic package.

As cochair of the House Law Enforcement Caucus, Mr. Speaker, I know, as any cop in America knows, that 85 percent of all crimes are tied directly or

indirectly to drug or alcohol addiction. A recent Columbia University study shows that 80 percent of the 1.4 million prisoners in jails and prisons are there because of drug and alcohol addiction. So not to deal with underlying problem means we are never going to deal effectively with the crime problem.

In conclusion, Mr. Speaker, I respectfully urge the Committee on Rules to include the Substance Abuse Treatment Parity Act in the antidrug legislative package. This, Mr. Speaker, is a life or death issue for 26 million Americans.

## HONORING JOAN ALBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is my great honor to recognize the distributions and dedicated service of Joan M. Albi, Secretary of the Senate, the Colorado State Senate. After serving 32 years in State government, Joan has done it all. She worked in the State House of Representatives and the State Senate, the lieutenant governor's office, and the governor's office.

□ 1830

Joan worked for the State Senate in several capacities for 23 years, serving as the Secretary of the Senate for 10 of those years before retiring in the spring of 1998.

A Colorado native and a lifelong resident, she was born in Denver. Joan attended Cathedral High School in Denver before continuing her education at Loretto Heights College in Denver. Her father, Jim Bastien, worked as a purchasing agent for a local paint company. Her mother, Winnifred, still lives in Denver. She has one sister, Carol Dinapoli, also of Denver. She has three children: Kathy Albi-Ferguson of Aurora, Joe Albi, Jr., of Highlands Ranch, and James "J.T." Albi of Bakersfield, California. She is also the proud grandmother of two.

Mr. Speaker, without question, Joan is devoted to home and family. She actively participated in the Women's Auxiliary Circolo Italiano. Her main hobby is politics. The campaigns she worked on over the years were countless. Colorado's Republican Party truly benefited from her tireless efforts and will be forever indebted to her. Joan's loyalty and contributions to the party are evident.

She worked in the Colorado House of Representatives steno pool from 1966 to 1970 as an assignable stenographer, before taking a position in 1971 with the lieutenant governor's office. In those days, the lieutenant governor was also the President of the Colorado State Senate and Joan was secretary of the senate president from 1971 to 1974. In

her capacity as secretary, she was also a receptionist, payroll clerk, and she did the bookkeeping.

When Colorado Governor John Love resigned to become the first "energy czar" in Washington, D.C., Joan became the administrative secretary for the new governor, John Vanderhoof. She remained in that position until he finished what was left of Love's term. Joan then worked as assistant secretary of the Senate from 1974 to 1987, before becoming Secretary of the Senate in 1988.

The contributions Joan made to the Senate during her tenure are remarkable. Joan serves on the Capitol Advisory Committee which meets regularly to address the preservation of the Colorado State Capitol building, one of the most remarkable buildings of its kind in the Nation. She was also active in the American Society of Legislative Clerks and Secretaries, a group sponsored by the National Conference of State Legislatures.

In addition, she helped pave the way to bring the Colorado State legislature into the age of technology. Joan took part in the earliest meetings that began the computerization of the legislative process in Colorado.

Mr. Speaker, Joan earned the respect of both legislative staffers and legislators. In fact, Patricia Dicks, Colorado's current Assistant Secretary of the Senate, said, "Joanie and I worked together, and have been friends for 20 years. Joanie was a very good teacher who was very kind and patient, but always made sure that staff was updated and knowledgeable. When Joanie was injured during the session, the transition was seamless to the point that we never missed a beat. This is a tribute to her as a person and as a leader."

Legislators who served with her while she was Secretary hold her in the highest regard. Senate President Tom Norton of Greeley, Colorado, remarked, "During the 6 years I served as Senate President, Joanie did an outstanding job of maintaining the efficiency and decorum of senate operations."

State Senator Ray Powers of Colorado Springs added, "Joan always welcomes us in the morning with a friendly smile and good conversation. Her pleasant demeanor and strong work ethic were two of her strongest assets, and my colleagues and I always appreciated her."

Joan's daughter, Kathy, said it best, "Mom loves to help people. She has a big, kind heart and generous personality."

The Colorado State Legislature expressed its sincerest appreciation to Joan Albi's dedication and dedicated service by passing a tribute in her honor in the 1998 legislative session. A retirement party will be held in her honor at the governor's mansion in Denver on September 15, 1998, which is tomorrow.

I first became acquainted with Joan in 1986 when I was working as a Senate majority administrative assistant in Denver. Then when I became a Colorado State Senator from 1987 to 1996, I had the privilege of continuing my working relationship with Joan. Working with her for over 10 years, I can attest to her generous and pleasant demeanor and administrative abilities as Secretary of the Senate.

Mr. Speaker, Joan's presence at the State House of Colorado will be clearly missed by all. The friends she made over the years in State government wish her well and the best in her retirement. We all say, "Thank you Joan."

#### CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, let me first say at the beginning of my remarks tonight that one of the questions that I received all weekend, and that many others are, is do you guys do anything out there other than talk about certain pending matters that have been widely discussed this past weekend? And the answer is of course we do.

We have not had the first hearing on the specifics of what everybody in this country seems to be talking about. At the same time, I agree with what the gentleman from California (Mr. LANTOS) said earlier that it is important that we focus on numerous issues. Earlier today, I was down here discussing the Head Start debate and the Community Services block grant debate, and quite frankly, I got no media inquiries about revising the entire Head Start system in the United States. I got no media inquiries about revising the Community Services block grant and what innovative programs we are doing, since we do not believe the solution is always the Federal Government, what innovative solutions we are trying at the community level to develop. Quite frankly, I got no questions about it back home in Indiana this past weekend.

Mr. Speaker, it is not that Congress is not doing other things here. It is that few people are asking us about anything but this subject. When I tried to go to pick up a newspaper at the airport when I was flying back last night, every newspaper in Pittsburgh was cleaned out. Every newspaper in Washington was cleaned out. And they probably were not hunting for the latest stock market reports.

But it is important that while we focus on the many matters, and we daily have multiple committee hearings, multiple meetings with people

from our districts and many things, that we also look when we feel there have been problems in the oversight of this country, that it is important that this Congress look at it.

One of the things that I wanted to take some time to discuss tonight is that it is a lot more at stake here than just what everybody has been talking about this past weekend. Tonight I am going to go through some of this.

I sit on the Committee on Government Reform and Oversight, chaired by the gentleman from Indiana (Chairman BURTON), and I have listened to much of what has gone on. I want to make a couple of critical points tonight. And I want to illustrate right off the bat that there is a huge number of people that have made this investigation in campaign finance, in many of the other things that we have looked at in our committee, difficult to achieve.

Mr. Speaker, 116 people have refused to cooperate with our committee at this point; 79 witnesses have taken the Fifth Amendment; 18 have fled the country; and, 19 have refused to be interviewed by investigators.

I am going to go through some of these charts in a minute, but I want to illustrate a point. We can see on this chart that there are what, about 10 names per chart roughly. In trying to keep with the rules of the decorum of the House, it was deemed, and I believe correctly deemed, that it would not be appropriate for me to show the massive scale of the extent of the lack of cooperation we are getting by extending these across the front of this. But I am going to take a second here and show, if I was able to put these charts up simultaneously to give an idea of the scale how far these charts would have gone.

In other words if we had put every name up, they would have covered the entire front of this Congress. They would have covered up this entire front. If I stacked them on top of each other, the numbers of people that have refused to cooperate with this investigation would go to the top of the ceiling.

It is not one person, five people, 10 people, 20 people, 30 people. A few weeks ago I was in a parade in the town of Saint Jo in my district for the pickle festival. The pickle company that is based there has an annual pickle festival. The number of people in this cover-up are approximately the number of people in the town of Saint Jo.

I graduated in a high school class of 68. The class before me had a little bit smaller size than that. In other words, the number of people refusing to cooperate are about the size of my high school class and the class behind it. If one was trying to find out something that we had done and everybody in the class and the class behind would not cooperate, how would they find out what is going on?



Or to take another example, years ago there was a "Twilight Zone" episode in 1961 where adults lived in total fear of the immaturity of a normal little boy. Just by using his mind, this boy was able to take away the automobiles, the electricity, the machines because they displeased him and he moved an entire community back in the Dark Ages just by using his mind. And we note that the people in Peaksville, Ohio, have to smile, they have to think happy thoughts and say happy things, because once displeased, the monster can wish them into a corn field or change them into a grotesque walking horror. This particular monster can read minds, he knows every thought and feels every emotion. He is 6 years old with a cute, little-boy face and blue guileless eyes. But when those eyes look at someone, they must start thinking happy thoughts because the mind behind them is absolutely in charge. This is the "Twilight Zone."

Mr. Speaker, what do we do in a government situation, and we have all seen movies like this on TV, whether it is the "Twilight Zone" or others, when a whole town will not talk? People say, "Boy, it is hard for you guys to prove anything." It sure is hard for us to prove anything.

Mr. Speaker, I am going to go through. Understand that 79 people have said, "I invoke my rights under the Fifth Amendment and I refuse to testify on the grounds that it may incriminate me." Incriminate means I could go to jail. Mr. Speaker, 79 people have said they could go to jail. The others have fled the country or refused to have subpoenas put on them.

If we go through the names, the first name we have no public information on him. Terri Bradley, a secretary fined for making political donations for her employer, a Miami Beach developer. The next name we do not have much information. We are trying to get some from them. The fourth one is the son of the Commerce Secretary, Ron Brown.

Chen is a Taiwanese journalist who has written about illegal donations from Taiwanese nationals. Simon Chen is the former owner of the International Daily News, a Chinese language daily newspaper. Wang is a Buddhist nun. I am just going to skip through some of these. Chung pled guilty. Colon is a former head of the Commerce Department's Minority Business Development Agency. He was hired by Dynamic Energy in August 1994. He received a \$3,000 check from Dynamic September 19, and four days later he and his wife, Cheryl, gave \$3,000 for reelection of a given member of the other body, which has been returned.

Then we come to Crespo, Delvalle, we have numerous down to Manlin Fong, who testified that Trie reimbursed her from his bank account in China for part of her \$35,000 donation. Gandhi,

which I will go more through, gave \$325,000.

Then go to the next chart, another 10 names that included Norlanda Hill, a former business partner of Ron Brown. Hill has been indicted in separate fraud charges. She alleges Brown told her domestic companies were being solicited for campaign contributions in exchange for being included in trade missions abroad.

Maria Hsia, is a naturalized citizen and close associate of John Huang. She faces charges that she helped launder campaign contributions from the famous Buddhist temple incident. The next group of names are predominantly people who were Buddhist nuns who gave a \$1,000. Then there is Jane Huang, John Huang's wife, who according to DC records raised \$52,000 while her husband was still a Commerce employee. She has denied she raised it, contradicting the Democratic Committee records.

John Huang is a China-born U.S. citizen raised in Taiwan, former executive of the Lippo Group, about which I will discuss more later. Webster Hubbell who, after he left prison, received \$700,000 in consulting fees from several companies after he left the Justice Department, excuse me.

Several more we are pursuing, but we do not have public information at this time. If we can go to the next chart, the important thing to understand here is the scale. This is not one person, two people, five people, 10 people. It is the scale. And I am not comparing this exactly to that, but I have worked so much with the drug issue, it is as if we were just busting the street guys and not looking at the pattern. And by not being able to get to the first level of saying, "What do you about the next level?" Being able to offer immunity, being able to work with these. We do not know the extent of what sort of cover-up that we are facing.

□ 1845

Intriago is a former Federal prosecutor and he has solicited donations. You have Jimenez, a Miami computer entrepreneur and donor who made his largest contribution, 50,000, to the DNC after a coffee at the White House.

We have Kronenberg is sister-in-law of Pauline Kanchanalak, donated \$500,000 to the DNC on the day of a White House coffee, down to Lin. If we can go to the next chart, Nora and Gene Lum are owners of an Oklahoma gas pipeline company, Dynamic Energy Resources, which last year pled guilty to laundering \$50,000 illegal donations to campaign contributions. Maria Mapili is a long-time employee of Trie's trading corporation. The indictment towards Trie claims he ordered her to destroy subpoenaed documents and she is in that. Mark Middleton, former democratic fund-raiser and White House aid who left the adminis-

tration in 1995 to pursue business deals with Asian businessmen.

I am not going to go through each of the names here. I kind of hitting some of the highlights. Many of these are tied in clusters around Charlie Trie, whose name you see there, an American citizen and one of two suspects, Antonio Pan is the other, to be indicted in 1997 as a result of the Justice Department's task force. And like I say, we will talk about him more. If you go can to the last chart that we, once again, have individuals who are related to other individuals, people who work for fax machine businesses, straw donors, Buddhist nuns.

There is two additional charts, if you want to just put those up. Are there any additional? We have them all covered?

I am not going to go through all the names on each of these, but maybe you can take them off slowly and show them. Once again, as we go through this, I want to reiterate, "I invoke my rights under the fifth amendment to refuse to reply on the grounds that it may incriminate me."

That means that they believe they have information that could send them to jail. And what you would normally do is go and get a proffer and say, and what do you have and who approached you about what you fear going to jail about, and see if it is worthwhile to offer immunity to them. And then hopefully you move up and say, and who offered you what in order to get to this person? Our goal here, if you look at this list, it is extraordinary. By putting out this list, we are not trying to make any kind of statement because many of them are Asians. The question is, who abused the Asian population. Who told them that they had to give illegal donations, had to launder money through Buddhist temples in order to get decisions made in this country?

It is not a criticism of the Asian community. It is a criticism of the people who used the Asian community.

It is not a criticism of the Hispanics on this list. It is, who told them American democracy works this way. Who told them that laundering money in return for whatever, and it is not clear what exactly was given, is justified? That is what incriminate means.

Chairman BURTON asked a question of FBI Director Freeh, Mr. Freeh, over 65 people at that time, it is now 79, have invoked the fifth amendment or fled the country in the course of this committee's investigation. Have you ever experienced so many unavailable witnesses in any manner in which you have prosecuted on which you have been involved?

Actually, I have, Director Freeh said. Chairman BURTON: You have? Give me a run-down on that.

Director FREEH: I spent about 16 years doing organized crime cases in New York City, and many people were frequently unavailable.

Chairman BURTON: Was that the only time you have experienced something like that?

Director FREEH: It went on for quite awhile.

Chairman BURTON: So the only time that you have experienced anything like this is when you were investigating an organized crime syndicate?

What kind of commentary is this on our government? We have been talking about a lot of other things this past weekend. But think about this for a minute. Think about this in the context of other things you are hearing.

It started in the case of our Committee on Government Reform and Oversight, a travel office dispute. We noted that they cleared out a bunch of people who, in fact, did not appear to have, they had actually gotten reinstated and back pay for being unfairly fired. We saw patterns of internal favoritism towards certain individuals, towards friends getting government contracts.

We thought, why would you want, oh, it was for prestige, but it actually was not, it was for lots of dollars in different agencies. From there we move in past the travel office to, we get this massive thing, when we are trying, a couple of people were wandering around the White House without clearance. How did they get in? So you start to look at the clearance list. We get these massive lists. I still remember the day looking at these lists and seeing all these little letters by everybody and going, what in the world is this. How are we supposed to sort out what is going on here? How did these people get in? There were dead people on it, former Senator John Tower. They were certainly skewed toward Republicans, but there were all kinds of codes. This developed into the so-called FBI question, and the files. How did they get these files? These files were not like when you get a traffic ticket. These were for when you apply for government employment, they do a background check. If you want a security clearance to get in, they do a background check on you. If you are going to handle government secrets, they do a background check on you. A background check means also there is information in your files that may not be confirmed. Did anybody have a rumor about you? You cannot see it. But it is in your file.

We found out in our hearings interns were, I do not mean anything like that, I just mean interns were handling the files, which is inconceivable. We heard from the Reagan and Bush White Houses that they had high level people only handling these files, but in the Clinton White House apparently interns were able to do a lot of things. And then we got into the Craig Livingstone who probably would not have passed that, yet he was now in charge of White House security and they could not remember who hired him.

I asked him three different times who hired him and he could not remember.

Finally one of the White House people said, maybe it was Vince Foster. I mean, blame it on the dead guy. That seemed to be the strategy.

We could not get any answers to fundamental questions. Then we go through and look at the FBI files and we find out what these codes are. These codes are for coffees, for Lincoln bedroom. We found out that this database has to do with how much money you give to this administration, that it looks like somebody made the decision somewhere in this administration, we do not know at what level or who, that it was going, the White House was going to be turned into a cash cow, that apparently it was for sale in order to maintain your power, much like the travel office was. Apparently, who knows what they were going to do with the different files and who knows what is being done with those files now.

Then we move in and started to go into the Indian gaming casinos where a local decision relating to a poor Indian tribe was overturned, and we see massive, hundreds of thousands of dollars moving into the Democratic National Committee after a decision was reversed at the local level, protecting a tribe that was getting at least \$390,000 per Indian and protecting their basic monopoly in that region.

In addition to that, the chief of staff in the counsel to the Secretary of Interior then left the Secretary of Interior's office and went to work for the Indian tribe that is getting \$395,000 per Indian. Not anything proven yet, but do you know what, it is starting to smell a little bit.

Then you start to go through, what are these land deals where all of sudden there is the Escalante wilderness area, and who was the developer that had a stake in that? Oh, yes, it was the Riadys, the same Riadys that are on this list all over the place. The same Riadys that are laundering money through Huang and Chung and Trie, the same Riadys whose employees are not willing to talk and discuss.

Once again, it has not been proven the links, but we have been nibbling at the little people along the way. How is this going to build and where is this headed and why are not, and why is not this administration pursuing this to a higher level?

Let us get into some of the particulars of this. One thing that often we do not make clear when we discuss this, I want to make sure I make this point, that what would these people want? Presumably they are not just giving money, particularly if they are not even American citizens, because they are really charmed by any of the particular candidates involved. There is something beyond that they are trying to influence, somewhere in our government.

Now, I suggested that possibly there were decisions in the Department of In-

terior. But do you know there are many things in there that need to be explored, and we need access and we need cooperation to be able to do that. For example, we know that this, the leaders of this government criticized the past President for favoring trade to China during the campaign. It happens to be that the individuals who we are trying to get testimony from disagreed with the challenger's at that time positions. And when he became President, he switched his position to China which agrees now with the people who put this money in.

There are many American businesses and probably a majority of this Congress that favor that position. But it nevertheless was a reversal, and it also happens to be at least circumstantial that these people won a decision in that. This leadership of this government did not have a position on Vietnam. A number of these major donors had concerns, nonAmerican citizens had concerns about our China policy and our Vietnam policy. And those decisions were changed. It is clear that one of the fund-raisers where a million dollars was raised, that the commissioner of the INS attended and that there had been a request to change some immigration status. And after the fund-raiser that status was changed where after she had attended a fund-raiser raising this money, it is clear that decisions were being made and changed like what the individuals wanted. What is not clear yet, and which we really do not have the power here without some people being willing to talk along this chain and be able to negotiate with people moving up the chain of who influenced what where.

We see the people in the national security office writing handwritten memos, quite frankly, I have never gotten a handwritten memo from them explaining why, when they, on Taiwan, when Charlie Trie and his allies said we do not want you putting so much pressure on the Chinese government vis-a-vis Taiwan, they got a handwritten response back. Not too many people get handwritten responses back. It helps if you have laundered a lot of money back.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I commend the gentleman for the special order that he is taking out. There are two things that really affect our country, one is economic espionage, another is national security breaches. You are speaking to those areas. It is so terribly, terribly important that the American people understand this. I commend the gentleman. I salute him for what he is doing here today.

Mr. SOUDER. Mr. Speaker, let me, once again, I want to reiterate, what I have been discussing tonight is not



what the rest of the country has been discussing this past weekend for the most part. What I have been discussing is what has the earmarks at some level of an incredibly massive cover-up, 116 people who have either taken the fifth amendment that say if they talk to our congressional committee, they could incriminate themselves, or they fled the country or one way or another avoided us being able to subpoena them. That is a grave situation.

As the FBI Director said, only in organized mob cases has he seen this. It has made it very difficult for us to go ahead with this investigation. And understand we also have, in addition to this, a separate investigation that the gentleman from California (Mr. COX) is pursuing on the China question and the sale of technology. We have a separate investigation going ahead with the gentleman from Michigan (Mr. HOEKSTRA) looking at Teamsters money and how that got tied up in massive corruption and attempting to influence elections with illegal dollars, not to mention special prosecutors on Harold Ickes, pending on campaign finance, looking at the Vice President of the United States. We have many ongoing investigations.

□ 1900

What everybody in this country has been talking about is just a small part. It is inconceivable we are going to resolve this in the next 30 days because this is a massive problem inside this administration. It is unknown at this point to what levels it goes, but, boy, is it huge.

Mr. Speaker, I yield, if he would like to speak, to the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. DAN BURTON).

Mr. BURTON of Indiana. Let me say to my colleague, the gentleman from Indiana (Mr. SOUDER), that he is one of the most valued members of our committee and he works his tail off, and I hope everybody knows that.

I really appreciate his taking this special order tonight, and I apologize for being an interloper, but the gentleman makes such important points that I think they need to be reinforced, and that is that there have been 116 people flee the country or take the fifth amendment. And people do not do that unless they are trying to hide from the truth.

The thing that bothers me is that many people in this country, and I think the gentleman has alluded to this, many people in the country are saying, why are these investigations going on so long? Why is the Congress spending all this money? Well, the reason is that the White House has blocked us every way they can from getting information.

Many of the people that the gentleman has mentioned here tonight

used to work for the White House, were close associates of the President of the United States, and they have taken the fifth amendment against self-incrimination. And it looks like, to many people, that this is an orchestrated effort by the White House to keep facts from getting to the American people. And they feel like if they can run out the clock, and they did it on Senator THOMPSON, if they can run out the clock to the end of this session, that we will all stop and the American people will never get the facts.

We have had to almost hold the President's chief counsel, Mr. Ruff, in contempt of Congress in order to get him to give us information. We have had to take the Attorney General, who has blocked us from getting information, and have the committee vote a contempt citation against her, which is still pending and that may come up before this body. And the reason is they are blocking for the President.

It is okay to investigate other people, but leave this President alone. Leave him alone. Never mind that illegal campaign contributions have come in from Egypt, from Macao, from Indonesia, from China, from Taiwan, from South America, from all over the world. And the American people have a right to know, as the gentleman so eloquently stated tonight, the American people have a right to know if our foreign policy has been for sale, if our national defense has been jeopardized, because this President and this administration was so intent on making sure that they were reelected that they were willing to jeopardize these issues, our national security and our foreign policy.

All I would like to say tonight is that the American people have a right to know. And I want to thank the gentleman very much tonight for coming down and taking this special order and illuminating this issue for the American people, because I believe once the American people get all these facts, they are going to say that no matter who it is, from the lowest person in this country to the highest office in this land, if they break the law, they need to be held accountable. And I thank the gentleman for yielding.

Mr. SOUDER. I thank the chairman for his leadership and his willingness to take the slings and arrows that go his way for trying to stand up and search for the truth.

Reiterating again that one chart we see here, if I had been allowed, which I am not under the House rules, to display these next to each other, the number of people that have pled the fifth, fled the country, or refused to cooperate would extend from that end all across the dais to that side, blocking this entire front. Or if I stacked them up, they would go up and touch the ceiling. It is not 5 or 10 or 15, it is massive. It is like, as I mentioned earlier,

a whole city being in on a cooperative thing and then trying to prove something in the law when we have this type of thing.

Now, among the decisions we frequently have had to make in this body are other issues that have faced us, and there have been all kinds of statements made by Members of this body about other issues facing us, such as, "It should never be sullied," "should never be spoiled by actions of any of its Members, yet today we have a stain on the U.S. House; we have a cloud over its existence." Members in this body have said, "Too many ethical questions have been raised, wanting special counsels." They said, "American people should know where this money came from. Did these donors get anything in return? Are there any conflicts of interest?" Only they were not apparently putting these standards on the current leadership of our government. They were talking about something that was actually a relatively small case inside this body.

We look at the past rhetoric that has been used on the floor of this House about something relating to dollars that pale in insignificance. Never a charge that huge decisions, like the foreign policy of the United States, not even a charge, let alone a provable charge. They were not proven in the cases of any Members that have been discussed at this level. But apparently we can demand here that the American people should know where this money came from, did these donors get anything in return, are there any conflicts of interest. But if it is the administration, we are not going to do a special prosecutor for that. And I think that Members of this body need to sort through what kind of standards we have.

On Sunday I was with the Air Guard in Fort Wayne, who had a counterterrorism exercise on chemical and biological warfare, as units are doing all over the country, and cities, as we are concerned about terrorism. And I want to repeat what the gentleman from California (Mr. LANTOS) said earlier. Ironically, we have to stand behind our leadership of this country now more than ever. Because when there is perceived weakness, as there is in this country right now, every tin horn dictator, every terrorist around the world is saying, I wonder if this is a good time to push the United States. I wonder if this is the time I can get away with killing somebody; dropping a bomb; doing this; blowing somebody up. No, it is not, because we will stand as a United Nation. But we will not do this indefinitely, and we have to have leadership that we can count on.

But getting back to my point here, it is that we have to look at the totality of this. We have to ask, in our United States military, in the people in our

Air Guard in Fort Wayne, what standards do we have for them? Do we have a different standard for some elements of our country and another standard for the soldiers or the generals? Do we have one standard for government employees and not for other parts of the government? Do we have one standard for schoolteachers and not for other parts of people in public service?

I am not really talking about what everybody else has been talking about. I am talking about what is for sale. Have we sunk so low, are we so obsessed with power in this country that we will sell it to people who are not even American citizens and able to hold that power?

I want to digress to one other case. I am a history buff, and as we go through things like this Current Abuse of Power book on Nixon with the tapes, which is disgusting, I mean this is the kind of book we see about the current leader's administration. It is a spin cycle. We have not proven this point yet, but we are getting a lot of this point. But as we go back through history, Warren Harding went down as a bad President, even though in the end he was not found to have the faintest idea of what was going on on Teapot Dome.

And what we see in this administration and what we do not know is to what level of government this goes to. But we do know they corrupted the travel office, they misused the FBI files, they have sold favors throughout, they have special prosecutors on at least five Cabinet members; that Harold Ickes, who has a fascinating story of how he basically got excluded from policymaking, went into the fund-raising like other higher-ups like this, and then got back into the policymaking, because apparently the price to be at the table was you did the fund-raising. Which put tremendous pressure, even if it was not directly ordered, it put tremendous pressure. If an individual was not to be consulted unless they produced money, think of the pressure that put.

I want to give, I am trying to think which is the best example, and I am sure we will have other chances to bring this up, but let me give my colleagues an example of James Riady, who is probably the biggest. James Riady is an Indonesian-based banker and son of Mochtar Riady, chairman of the Lippo Group, a \$5 billion Asian empire. James Riady is a permanent resident of the United States. He met President Clinton in 1977, in Arkansas, when the President was serving as that State's Attorney General. He was then sent by his father to Arkansas to learn the banking and finance business. In its report on campaign finance, the other body suggested the Riady family had a long-term relationship with the Chinese intelligence agency. James Riady is the deputy chairman of the

family's main business, the Lippo Group. The Riady family, including its businesses and partners, donated more than \$700,000 to the Democrats between 1991 and 1996. Mochtar Riady and his son James have told close associates that they helped get Huang his Commerce Department position, which is a foreign trade position, in return for their political support for the leader of our country. Other reports indicate that James Riady has claimed Huang was "my man in the American government." James Riady visited the White House on 19 occasions, 6 of which were to see Deputy White House Chief of Staff Mark Middleton. He lives in Indonesia and has refused to be interviewed by the committee.

Here are some questions we would like to ask him: Did you lobby the President to get John Huang his job at the Commerce Department? Did the President ask James Riady or his father to pay a \$100,000 fee to Webster Hubbell while Hubbell was under investigation? Did the Lippo Group receive any classified information from John Huang while he was at the Commerce Department? What were the Riadys hoping to get in return for the hundreds of thousands of dollars they gave to the Democratic Party in the 1990s?

I could, and will at future time, go through other questions, but at this point I see the gentleman from Michigan (Mr. PETE HOEKSTRA), who is here and he has been investigating another part of what looks like, not knowing what levels, but orchestrated efforts to get around our laws in this country.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I thank the gentleman for yielding. As we begin to talk about the things that have been going on, I think it is also important to recognize that the gentleman and I are going to be part of the first Congress that has gone about doing its business, whether it is oversight, and that is the committee that I share, an oversight subcommittee on the Committee on Education and the Workforce, but we are going to be part of an historic Congress, because for the first time in 29 years, in 15 or 16 days, we will have a surplus budget.

So as the gentleman and I have been carrying out our responsibilities of oversight of our laws, and the Congress as a whole, and I serve on the Committee on the Budget as well, has been getting a lot of other things done as well. So there are a number of things that are going on here in Washington that are different and effective and positive versus what there is sometimes seen as the ugly part of our job, which is doing the oversight.

I thank the gentleman for inviting me down here, because we have had the enviable task of spending the last 15, 16 months taking a look at the International Brotherhood of Teamsters,

America's largest private sector trade union, who in 1989 signed a consent decree because of a racketeering charge that basically put them under the oversight of a Federal court and the Federal Government. They are under the supervision of the Justice Department and the courts are watching them.

Now, why is Congress involved? And I think this is where the connection can be made about oversight and the impact to the American taxpayer and the impact to the rank-and-file people in the Teamsters. Let me just lay out what happened.

In 1996, the Teamsters conducted a new election for president of the Teamsters. It is a process they go through every 5 years. They conducted their election, and 7 months later the election got overturned. The person who was elected, his election was invalidated, Mr. Carey, and it was determined there needed to be a rerun election. And it is like, okay, that is fine, the Teamsters will conduct their new election, which we are still waiting for that to happen because there was one problem: The 1996 election was paid for by the American taxpayer.

That is why in this case we are even doing more oversight than what the Labor Department normally does for union activities and other reviews of American labor law. In this case the American taxpayer paid for a Teamsters election that was invalidated because of corruption. It was somewhere in the neighborhood of \$18 to \$20 million of American taxpayer money. We paid for the election for the Teamsters in the U.S. and in Canada.

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So American taxpayer dollars were used to fund the Teamsters election in Canada, \$18 million to \$20 million.

The gentleman was talking about the campaign fund-raising. Sometimes people say, well, there you go, making your accusations again. Where is the beef?

The gentleman's committee has had difficulty in interviewing witnesses. He has had difficulty getting access to certain information. We have had some of the same problems, but we do have some court documents and these basically are what the defendants have pled guilty to.

Three people have pled guilty to various money laundering schemes. Another person has been indicted. The number two person at the AFL-CIO is pleading the Fifth.

Now, the amazing thing to me is taking the Fifth, meaning that we know where he is, we believe that he has been implicated, but he will not come and talk to us. He will not tell us about his participation in this.

For the three people who have pled guilty, what did they do? Who was involved? We have come across some of the same players as the gentleman has



come across, and without getting into their names, this person was a 41 percent owner of a political consulting firm. This November Group performed work for, among others, the IBT, the Carey campaign, and the Democratic National Committee and its 1996 coordinated campaigns with State democratic parties. What did they do?

In general, the use of treasury funds in connection, and here we are talking about general treasury funds of the Teamsters, general treasury funds in connection with a Federal election was limited by Federal election law to non-partisan voter education and get-out-the-vote efforts. Political spending by the IBT was supervised and directed by the IBT's director of government affairs. What did they do?

Statutory charges: Co-conspirators were not charged as defendants herein. Others known and unknown unlawfully, willfully and knowingly did combine, conspire, confederate and agree together with each other to make materially false statements and representations and to falsify, conceal and cover up, by trick, scheme and device, material facts in a matter within the jurisdiction of the executive and judicial branches of the government in violation of Title 18.

What does that mean?

Sections 1341 and 1346: To embezzle, steal, abstract and convert funds belonging to the IBT, in violation of Title 29 of the United States Code.

Basically, what happened is the leadership of this union stole money from its own rank and file.

If we go on a little further, we find out, willfully and knowingly having devised and intending to devise a scheme and an artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, namely, a scheme and an artifice to deprive members of the IBT. These people were working for the President of the IBT, and what were they going to do? A scheme and artifice to deprive members of the IBT of, A, money, B, their right to the honest services of their officers and employees and, C, their right to have the 1996 IBT election conducted in conformity with the rules. They did everything they could to break the law. And others, blank and others, caused IBT general treasury funds to be applied to promote the Carey campaign in violation of Title 29, United States Code; illegally using and diverting IBT general treasury funds, including embezzling, stealing, abstracting and converting such funds to make contributions to political organizations in order to obtain in exchange donations to the Carey campaign.

This is where the DNC gets involved, but before we move and talk a little bit about the Democratic National Committee, the terms in here are embezzling, stealing, abstracting, converting,

such funds to make contributions to political organizations in order to obtain and exchange donations to the Carey campaign.

We talked about how this affected the taxpayers. We spent \$20 million on a failed election. We are going to spend \$4 million on a rerun. The Teamsters were very generous. They said they would contribute two. So their own leadership is, well, you know, we are beyond that, but they embezzled and stole.

What was happening to the net worth of the Teamsters as their leadership was embezzling, stealing and abstracting and converting such funds to make contributions to political organizations? The net worth of the Teamsters a few years ago was \$157 million. As recently as a few months ago, within the last half year, their net worth was \$700,000, still a big number but when you go from \$157 million to \$700,000, you wonder what these people were thinking, but now it is not that surprising.

Embezzling, stealing, abstracting and converting such funds to make contributions to political organizations in order to obtain in exchange donations to the Carey campaign. The union leadership was stealing their rank and file members' money and they were going to other organizations to find a way to scheme, to launder money through. One of those organizations they went to was the DNC.

Does the gentleman have a question?

Mr. SOUDER. Yes, I have a question. I want to see if I understand the scope of this and how this starts to interrelate.

Carey was running for the leadership of the Teamsters against Jimmy Hoffa, Jr., and he felt he needed more money to run. So if I understand what the gentleman is saying, they, Carey, the forces, depleted their own members' funds but to complete this they, in effect, gave money to a third source, or second source, which is the Democratic Party, which then in return made sure that additional dollars got back to Carey, not necessarily all that had gone out but Carey got it personally, because if he had stolen Teamsters funds for his own campaign that would have looked bad. Is the gentleman saying that, did I get that correct, that it went to a third party and then some of that came back, matching contributions came back? How did some of that work?

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, the Democratic National Committee worked, and we have kind of split the responsibilities on this, one of the things that we are going at now is this is what was alleged. We know that at certain times the Democratic National

Committee went out looking for donors to make these contributions. It is unclear at this point in time whether they found them, but we do know that there were other groups that participated in this scheme very similar to what is alleged to have happened here with the Democratic National Committee where money actually did flow out.

We know with the Teamsters it did flow out, it did flow back to the Democratic National Committee. We are just now trying to figure out exactly what the quid pro quo was. Did money actually then make its way from the Democratic National Committee back into the Carey campaign? Did they find wealthy donors who, instead of writing a check to the Democratic National Committee, maybe supported the Ron Carey campaign? We do not know.

We looked at that early. We focused on what was going on within the Teamsters itself. The gentleman's committee was looking at some of that. We are going to, I believe, have a hearing on that later this month to try to get to the bottom of it. It is very, very difficult.

What we do know is that the scheme was planned, it was agreed to. We do not know, at least with the Democratic National Committee, how far it was actually completed.

Mr. SOUDER. Did not the gentleman say earlier that the Fifth Amendment, which can only be used if you could go to jail, was taken by the second ranking person, did you say, in the AFL-CIO?

Mr. HOEKSTRA. That is correct.

Mr. SOUDER. So the person who might be able to answer that larger question, when you asked, took the Fifth?

Mr. HOEKSTRA. Yes. We invited the gentleman to participate at our hearing and he indicated that if he came to the committee, he would invoke his rights under the Fifth Amendment and he would refuse to reply; going to your chart, he would refuse to reply on the grounds that it might incriminate him.

Mr. SOUDER. One of the similarities that the gentleman is starting to run into, because you have clearly proven from the statements that you have made and from the indictments, that there was corruption inside the Teamsters election; in fact, that election was overturned. Now we are trying to see where their money moved elsewhere, and the larger question that you are moving into, in addition to that, and it is bad enough, I mean, I have talked to irate truck drivers in Fort Wayne who cannot believe that their own leadership would do this, but then the larger question is, like we saw in the Interior Department, like we have seen in agency after agency, who is running what looks like a large scale, coordinated effort, to find millions of dollars for campaigns in all sorts of illegal behaviors?

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, as the gentleman is well aware, the Justice Department, Miss Reno, has now opened a 90-day investigation into testimony of certain members of the President's staff regarding their testimony to the Senate committee, in regards to specific testimony on their involvement in perhaps supporting Teamster efforts through actions in the executive branch, which is frightening.

It is one thing to run this through a political organization. It is another now to perhaps bring in executive branch agencies as part of this quid pro quo, if you give us money perhaps we can help you over here.

The Attorney General has begun a 90-day investigation into those questions, and we are pursuing those as well.

As good as they got at laundering money, because they were good, because almost all of this stuff was not found out until after the Teamsters election, which means we had to throw out the whole election.

Mr. SOUDER. The one we paid for?

Mr. HOEKSTRA. The one we paid for, the one where the regime, members of the group that were part of the ticket that won the election are still running the Teamsters. Think about it. They were part of the fraudulently elected leadership. They are still running the Teamsters.

I have met with my rank and file Teamsters at the local level. They cannot believe it. They want the same thing we want. They want a fairly elected leadership representing them, because they know what happened under the last leadership.

As good as they got at laundering money, they did get caught. The other thing that they have even gotten better at is making sure that we do not get all of the information that we need. There were documents that were at one law firm and we requested them, and they are at another law firm. It is kind of like one of these things, you have to ask the question exactly right, because if you have anything a little bit out of order, you are never going to find it and you are never going to get it.

They are masters at hiding information, at slowing down the process and trying to turn the tables. Whether it is what is going on in the executive branch, whether it is what is going on at the Democratic National Committee, or whether it is still going on at the Teamsters, they have made it very difficult for almost anybody to get at this quickly and effectively.

Mr. SOUDER. Reclaiming my time, this is a classic example of, oh, what a tangled web we weave when we attempt to deceive.

What we are seeing and hearing from the gentleman, as chairman of the Sub-

committee on Oversight and Investigations looking into the Teamsters, what we heard from the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform and Oversight, unfortunately for the American people it is doubtful that we are suddenly going to come to some conclusion and close down everything.

What we see, not knowing at what levels it is going on in this government but what we have seen in agency after agency, investigation after investigation, are people stonewalling information, pleading the Fifth, running out of the country, giving us partial truths, fighting for every little bit of information we can, and it looks like there was an orchestrated effort throughout this entire administration in every agency, uncertain at what levels and by who orchestrated it, for cash, in order to maintain power.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, Martin Davis, one of the three people who pled guilty, barred from work with the Teamsters and fined \$204,000; Jere Nash, barred from work with the Teamsters, fined \$10,000; Michael Ensara barred from working with the Teamsters and fined \$126,000. Now it gets to be kind of interesting.

We talked about the Democratic National Committee. Citizen Action, their national office, implicated in the swap scheme. Who is Citizen Action? Citizen Action is a lobbying political advocacy group here in Washington.

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And what do they advocate? Clean and fair elections. Clearly implicated through this whole process. Barred from working on Teamsters elections. But they are part of this swap scheme. You can sit there and say, they are in Washington and they are campaigning. It is kind of interesting what happened. Like many of these organizations, they have a national headquarters and they have State chapters. They are all trying to advocate for the same thing, which is clean and fair elections, at least with Citizen Action. That was one of their key messages. Washington sold them out. Washington was clearly implicated. Washington Citizen Action was clearly implicated in this. So what you see again is the Washington organization is corrupt, illegal activities, and they basically sold all of their locals, the grassroots kind of people, they sold them down the river. It is the same thing that happened with the Teamsters, the rank and file members. They are our neighbors. Their kids go to school with our kids. We go to church with them. We play tennis with them. We see them on the streets. We see them in the grocery store. These are our neighbors. What happens? They

got sold out by their Washington leadership. Their Washington leadership stole from their own treasury. It is just too frequent of a story. You and I have seen it way too often in the last three, four, five years of good organizations, healthy organizations at the local level, the Teamsters advocating for worker rights and better wages and better working conditions and trying to do the right thing at the local level, in most cases doing the right thing. Their leadership in Washington tarnishing each and every Teamster around the country. At the same time that they are robbing them out of their pocketbook. It is unbelievable what happens to some of these national organizations. What I hope is that as soon as possible they can have a fairly run election, they can have new leadership and they can move forward and hopefully they can get out from under this yoke of government supervision and they can have their union back. Just like I hope Citizen Action, their Washington office is kind of shut down but the people who have worked hard for campaign finance reform and clean politics and all these types of things at the local level, they can reclaim their national headquarters and get some good people in there who do not participate in these kinds of activities.

Mr. SOUDER. I think that as the gentleman from Michigan and I both would state unequivocally, one of the problems is that we have too much power in Washington because when you have that much power there is going to be a temptation to cheat. But even given that, what we have seen in his investigation, what we have seen in this investigation is not everybody does this. I hear all the time, "Well, everybody in Washington is corrupt." They are not. There are too many decisions made that are influenced by money in this town. There are too many decisions made out of fear for the next political election. What we are seeing gradually unfold over the last few years is something that in scale we have never seen before. We have not seen the amount of illegal foreign dollars moving in, apparently tied to specific decisions. We have not seen the massive scale laundering going from multiple countries even in. We have not seen this many Cabinet members. I mean even under Harding we were talking three. Going with special prosecutors, and even leading up into higher and higher levels of this administration. We do not know where it ends. We are not likely to find out very soon. But we have an obligation in this Congress. While we are doing the other things as the gentleman from Michigan (Mr. HOEKSTRA) said in the Committee on Education and the Workforce, we have been moving many bills through, having conference committees, we have balanced the budget, we are working on tax relief, this is not the primary thing



we do here but it is one important part. That is, to make sure that each American citizen when you cast a vote have that vote honored and that your leadership does not have a secondary agenda, especially, and this is what the Founding Fathers were very concerned about, that any of the leadership would get illegal foreign money, where foreign nationals or through agents in this country would attempt to influence decisions of the United States Government. That is the weighty matters that we have been pursuing. I hope it does not lead all the way to the top. But to find out, witnesses need to cooperate with the gentleman from Michigan (Mr. HOEKSTRA). They need to be cooperative with the gentleman from Indiana (Mr. BURTON). We cannot have 116 people, by the way we have three more since we have printed these things, that would stretch clear across the front of this, this size sheet if I had been allowed under House rules to put them across, would have covered the entire front of this podium, or clear to the ceiling. We have to have honesty. We have to have American citizens willing to come forth with the truth.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4006, LETHAL DRUG ABUSE PREVENTION ACT OF 1998

Mr. SOLOMON (during special order of the gentleman from Indiana (Mr. SOUDER), from the Committee on Rules, submitted a privileged report (Rept. No. 105-712) on the resolution (H. Res. 535) providing for consideration of the bill (H.R. 4006) to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, or euthanasia, of any individual, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT ON AMENDMENTS TO FOREIGN OPERATIONS APPROPRIATIONS ACT, 1999

(Mr. SOLOMON, during the special order of the gentleman from Indiana (Mr. SOUDER), asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise to inform the House of the Committee on Rules's plan in regard to the Foreign Operations Appropriations bill for fiscal year 1999.

The Committee on Rules is likely to meet on Wednesday, September 16, to grant a rule on the Foreign Operations Appropriations bill for 1999. The bill was ordered reported by the Committee on Appropriations on September 10 and will be filed on Tuesday, September 15, tomorrow.

The Committee on Rules may grant a rule which would require that amend-

ments be preprinted in the Congressional RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table. Amendments should be drafted to the text of the bill as reported by the Committee on Appropriations.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House. It is not necessary to submit amendments to the Committee on Rules or to testify before our committee as long as the amendments comply with House rules.

#### MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. BRADY). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say this evening that I will be talking about HMO reform and the need to address that issue before this House adjourns in about four weeks, or at least is tentatively scheduled to adjourn after the first week in October. I am concerned that over the next four weeks that time will not be spent on the issues that the American people want addressed in this Congress, health care reform, HMO reform, education concerns, Social Security, environmental issues. There are so many issues that need to be addressed, and I am only going to talk about one of them tonight but I wanted to mention that the Democrats as a party are united behind a strong and a bold agenda which addresses the real challenges that face working families. I am very concerned that the Republican leadership is not going to address these issues. We need to strike out and say that these issues need to be addressed before we adjourn.

The one that I would like to talk about tonight and that I think really is the most important because this is the one that I hear the most about from my constituents is HMO or managed care reform. Too many of my constituents at town hall meetings or at my district offices tell me about the horror stories, and there are many, where they have been denied necessary care because their HMO, their insurance company, has refused to pay for it. The President and the Democrats have put forward a bill, we call it the Patients' Bill of Rights, that is a real, not a fig leaf political bill designed to cover the health insurance industry. We need patient protection legislation that returns medical care to doctors and patients instead of leaving those decisions to health insurance company bureaucrats.

Let me just mention a few key elements of this Democrat real patient protection act, or HMO reform. It includes guaranteed access to needed health care specialists, access to emergency room services, continuity of care protections, access to timely internal and external appeals process if you have been denied care by your HMO or by your insurance company; limits on financial incentives to doctors. We know that too often now the HMOs give the doctors financial incentives, bonuses, if you will, if they do not spend a lot of money or require a lot of services for their patients. Also assuring doctors and patients that they can openly discuss treatment options. Many people do not know that many HMOs now put their physicians within their HMO network under a gag rule that they cannot talk about legitimate medical options, operations or other procedures if the HMO will not cover it because they do not want the patients to know that those procedures exist because they are not going to pay for them. We should not allow those kind of gag rules. They should be prohibited. The Democrats' Patients' Bill of Rights would prohibit those kinds of gag rules. Also, the Democratic bill, the Patients' Bill of Rights, assures that women have direct access to an OB-GYN; and there is also an enforcement mechanism that ensures recourse for patients who were maimed or die because of health plan actions. So not only do we allow you to go through a procedure, an appeal externally before a board, before you have to go to court where the insurance company cannot influence that appeal, but also we allow you to go to court and sue for damages if you have suffered severe damages as a result of the denial of care.

I just want to talk a little bit more if I can about the positive aspects of the Democrats' Patients' Bill of Rights and why we need to get this legislation, or something like it, passed before we adjourn this Congress in another four weeks. Greater choice of doctors. A lot of my constituents point out that they feel there should be some sort of option that you can go outside the HMO network if you want to, even if you have to pay a little extra. What the Democratic Patients' Bill of Rights says is it requires that individuals enrolled in HMOs be offered a greater choice of doctors under what is called point of service. Employers must provide employees with the option of choosing a doctor outside the company health plan. What that means is that when your employer offers you a health plan, he can give you the choice of an HMO but he also has to give you the option of having the HMO and letting you go outside the HMO network for a little extra if you decide to do so. You get that option when you first sign up for your health insurance. Most important, in the Patients' Bill of Rights,

the Democratic bill, medical decisions are made by doctors and patients based on medical necessity, not by insurance company bureaucrats. The bill ensures that treatment decisions, in other words, what you need, what is medically necessary for your care, those treatment decisions such as how long a patient should stay in the hospital after surgery, what type of procedures are appropriate, that these decisions are made by the doctor in consultation with the patients. They are not made by the insurance company. Again, we have an example of that which we did last year, or in the previous Congress with regard to pregnant women, that the length of stay provision for pregnant women, when they go to have the child, that they are guaranteed that they can at least stay in the hospital 48 hours for a normal delivery or four days for a C-section. That is exactly the type of guarantee that we will be including in this Democratic bill when we say that the doctor and the patient decide what is medically necessary rather than the insurance company.

Access to specialists. I want to spend a little more time on that because it is so important to so many of my constituents. Our bill allows patients to see an outside specialist at no additional cost whenever the specialist in their plan cannot meet their needs. So if there is a specialist in the HMO network who can take care of you, fine, but if there is not because they do not have that particular specialization, then they have to allow you to go outside the network to see another doctor. The bill also lets women select obstetricians and gynecologists, as I have said, as their primary care provider.

Enforcing patient protections. I think everybody knows, most Americans realize that if you have a right or you have a protection, it does not do you much good unless you can enforce it. What our bill does is it holds managed care plans accountable when their decisions to withhold or limit care injure patients. Unfortunately in court cases around the country, HMOs have not been held accountable. Currently patients may not have the right to sue their HMO in court if they are in certain circumstances. The Democrats' Patients' Bill of Rights removes the exemption under current Federal law that prevents HMOs from being sued in certain circumstances. It also establishes an independent system for processing complaints and appealing adverse decisions with expedited procedures for life-threatening situations. What this means is that if you have been denied a particular operation, not only do you get an external review board which is not influenced by the insurance company that you can go to to appeal the insurance company's decision and it would be enforceable, but also if it is life-threatening, that has to be done very quickly. Otherwise it is

not very useful to you. What this guarantees is that decisions on care are based on medical appropriateness or necessity, if you will, not cost, because obviously what the HMOs do in many cases is make their decisions based on cost.

What I wanted to talk about a little more tonight, I have given you some idea I think about what the Democrats are trying to do with our Patients' Bill of Rights but I also have to point out tonight that the Republican alternative which passed the House in August before the August recess not only does not provide the types of guarantees that I am talking about but actually takes us back. It creates an even worse situation, even less guarantees in my opinion for the American people. The House hastily, and I say hastily because this Republican bill was just brought to the floor without any committee action or without any hearings, just brought to the floor right before the August recess and passed and the Democrats' Patients' Bill of Rights, of course, was defeated only by five votes, so we still have a chance to resurrect it. What the Republican leadership was trying to do when they brought their own version, if you will, of HMO reform to the floor in August was to get something passed so that they could go back to the voters at their August town hall meetings or their other venues and say, "Oh, we've accomplished something." But their plan, I assure you, was a sham. It is essentially a managed care bill that is better for managed care organizations, and they are not going to be able to or should not be able to pawn it off as a good piece of legislation. The bottom line is that the Republican leadership is not willing to pass a real managed care reform bill because it does not want to offend the insurance industry.

Let me say, Mr. Speaker, that based on what my constituents voiced to me during the various town hall meetings I have had in the last few weeks is that the Republican plan was essentially a bust. They repeatedly told me that when it comes to managed care that they want three things above everything else.

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They want medical decisions to be made by doctors and their patients, they want direct access to specialists, and they want HMOs to be held accountable for the decisions they make. And my constituents were emphatic in their belief that none of the protections under consideration in this Republican bill are worth a dime because they cannot be enforced, and there is basically one of the best ways to enforce patient protections is to have the right to sue, which of course is not expanded under the Republican bill.

Let me point out why I think that this Republican HMO bill makes cur-

rent law worse and essentially why all the things that they mention would be corrected, if you will, by the democratic bill.

The first of the three aspects I mentioned is, and perhaps the best indicator of just how bad the Republican managed care bill really is, and this is with regard to the necessity of medical treatment or the appropriateness of medical treatment because this really lies at the very heart of the managed care debate. The Republican managed care bill addresses this question of medical necessity by essentially locking the status quo into place. It does so by allowing HMOs to define what is medically necessary. Under the Republican bill, if your doctor's recommendation does not match your HMO's definition of medical necessity, you are out of luck. So, as you can see, if you have to have a particular operation or you want to stay a certain length of time in the hospital and the HMO decides through its own definition that that operation is not medically necessary, it does not matter what your doctor tells you, because the final word is that they have defined it as not medically necessary. So, if you allow the insurance company to define what is medically necessary which is what the Republican bill does, then the whole idea of shifting the decision back to the doctor and the patient and away from the insurance company as to whether or not you have a particular type of care coming to you is essentially lose.

Now, of course I mentioned before that our democratic bill, the Patient Bill of Rights, corrects this problem and lets the medical professional, the doctor, decide what is medically necessary. The Republicans are trying to pull the same kind of scam, if you will, with access to specialists. The GOP bill would allow women to go directly to the OB/GYN, but it would not give women the right to designate the OB/GYNs as their primary caregivers. And of course the democratic Patients Bill of Rights would do that. So basically also the Republican bill would also allow children to go directly to pediatricians so they give that right but not without strings because under the Republican bill your child may be guaranteed access to a pediatrician, but if your child gets cancer and needs specialty care, there is absolutely no guarantee that he or she will have access to, for example, a pediatric oncologist, a specialist within the pediatric field. So under the Patients Bill of Rights however that child will get that guarantee, so again what we are saying is if the OB/GYN is not the primary care provider, then that person is not going to be the person that gives you a referral to another specialist. And again, if you are allowed to see a pediatrician, that pediatrician does not have the right to send you to a specialist for your child in a particular



area that he or she may need the specialist. Then essentially you again are limited in the choices that you have for a physician or your access to specialty care.

Let me give you another example, if you will, with a cardiologist. If you have a heart problem and you need to see the cardiologist, the Republicans would have you jump through hoops to try to get there, and you could still fail. The democratic bill directly opens the cardiologist's door. So if you have asthma, you can see the asthma specialist and down the line. In other words again, you may through the Republican bill be able to see a cardiologist, but if you need a specialty care or reference for a particular type of cardiologist, you would not have that access, and the same with asthma and other kinds of sub specialities.

What I found at the town meetings that I had is that person after person basically stood up and communicated the belief that patient protections are meaningless without a means of enforcement, and so I would like to talk a little bit about the enforcement issue now as well when you have been denied care.

The only way to enforce protection, a lot of my constituents said, is to give the right to sue when their HMO denies them care and their health suffers as a result. And I know some people say, oh, you cannot give patients the right to sue when the HMOs deny them care because that is just going to result in more lawsuits.

Well, I was not getting that from my constituents at the town hall meetings. They were not worried about the fact that there would be too many loses. They were worried about the fact that if they were denied care, they could not sue for rights under the law, and that is the way it should be. People should be able to go to court if they have been damaged as a result of denial of care.

What we do, what the law is right now, unfortunately, is that if you are in a HMO or a managed care organization that comes under Federal protection, what we call ERISA because the employer is self insured, then you are denied the right to sue for damages, and we would correct that and eliminate that loophole and say that all HMOs or managed care companies can be sued regardless of whether you are under ERISA and under Federal protection.

And I also mention this external appeals process, too, as another means of enforcement where right now under the current law and also under the Republican bill a number of people would only be able to appeal the HMO's decision with regard to denial of care through an internal review process which basically still gives the HMO the right to decide what care should or should not be provided. The democratic bill insists on external appeals for all

purposes, and those external appeals are basically judgment calls made by people appointed who are not under the sway of the insurance company.

Now I have to say, Mr. Speaker, that my biggest concern right now is that even though we have passed this, what I consider bad Republican bill in the House, that the Senate may not take up any legislation tall, and I am really saying tonight that the most important thing is that the other body at least move on HMO reform, certainly not on the Republican bill, but at least take up the issue so there is some fair debate and some opportunity to hear from the senators on both sides of the aisle what their constituents are telling them.

Before I conclude tonight I would like to do two things. First of all I would like to give some examples, real life examples that have been brought to my attention, of people that have been denied care or suffered from some of the problems that I pointed out this evening that would be corrected by the Democrats Patients Bill of Rights, and then I would like to go over a few sections of a letter that the President wrote to TRENT LOTT, the majority leader in the Senate, asking that we move on this debate because I think that is the most important thing, that we move on this debate in the 4 weeks that we have left before this Congress is scheduled to adjourn.

Let me give my colleagues some examples though, and I may have used some of these before on the floor, but I want to use them again tonight. Some of them, I think, are totally new because I think they best illustrate why we need the Patients Bill of rights.

This example is from a newspaper dated January 21, 1996, and it talks about a 27-year-old man from central California who was given a heart transplant and was discharged from the hospital after only 4 days because his HMO would not pay for additional hospitalization, nor would the HMO pay for the bandages needed to treat the man's infected surgical wound. The patient died.

Well, again I use the example with the drive-through deliveries. We did pass in the first effort to deal with these problems, we did pass in the last couple of years legislation that eliminated drive-through deliveries so that, if a woman is pregnant, she goes to a hospital, have the baby, she is guaranteed at least 48 hours for a normal delivery, and 2 days for normal delivery, 4 days for a C-section because many of the HMOs were forcing women out of the hospital within 24 hours.

Now this case that I just mentioned with the heart transplant, under the Patients Bill of Rights the decision about whether or not the patient would be able to stay a few extra days in the hospital would be decided by the physician in consultation with the patient

and the HMO would not be allowed to deny those extra few days that the physician thought was necessary.

Another example; this is from the same year from Long Island. Well, this is from the Long Island News Day I should say, but it is about a mother in Atlanta who called her HMO at 3:30 a.m. to report that her 6-month-old boy had a fever of 104 and was panting and limp. The hotline nurse told the woman to take her child to the HMO's network hospital 42 miles away, bypassing several closer hospitals. By the time the baby reached the hospital he was in cardiac arrest and had already suffered severe damages to his limbs from an acute and often failed disease. Both his hands and legs had to be amputated. Now that may have been the example that my colleague, the gentleman from Iowa (Mr. GANSKE), gave last week when we were talking about the same issue on the floor.

Again I had not talked much about emergency care tonight, but what the Patients Bill of Rights does, what the democratic bill does, and I call it a democratic bill, but the Patients Bill of Rights has Republican supporters, too. Mr. GANSKE from Iowa is, in fact, the chief sponsor of the bill. So it really truly is bipartisan, but the Republican leadership basically has opposed it. So even though there are some Republicans that support it, the leadership is opposed to it.

And what our bill would do is it would say that the decision about going to an emergency room and going to the closest hospital as opposed to some hospital further away is based on the average citizen's analysis; you know, what we call a prudent lay person's analysis of what is an emergency. And so if you have the situation where your 6-month-old baby had this fever and was panting and limp, the average person would say, well I cannot wait to go to a hospital 42 miles away, I have got to go to the hospital next door or within a few minutes of my house, and therefore the HMO would have to pay because average citizen would understand that that is necessary, and you cannot wait to go to a hospital 42 miles away which is absurd. I think most people have no idea that their HMOs put these kind of restrictions in, but then they find out when it is too late.

Let me give you another example. This is from the Minneapolis Star Tribune, March 23, 1996. A 15-year-old girl with a serious knee injury was taken by her parents to a PPO orthopedic surgeon. The surgeon said there were 2 kinds of surgery for such an injury, traditional scapel surgery and state-of-the-art laser surgery which is considered the most effective method. The insurer would not pay for the more expensive laser surgery. A company claim supervisor was quoted as saying we are not obligated contractually to provide Cadillac treatment, but only a treatment.

Well there again we go back to who is going to define what is medically necessary. Under the Republican bill that decision is made by the insurance company which is the way it is now under the current law. Under the democratic Patients Bill of Rights that decision is made by the doctor in consultation with the patient. So, if the doctor in this case said that the most effective method is the state-of-the-art laser surgery, that is what the insurance company would have to pay for.

This kind of illustrates, this also illustrates, the gag rule example as well. Now fortunately in this case the HMO apparently did not have a requirement that the physician not tell the patient about the better method, but there are many circumstances where the HMO will actually say to the physician that he cannot mention the alternative, the better alternative, in this case the state-of-the-art laser surgery so that the patient would not even know that there is a better alternative, and that is another thing that we are eliminating with the Patients Bill of Rights.

Let me mention a couple of other examples, and then I will conclude with this letter that President Clinton sent. This is in Oklahoma. It is from the Washington Post, March 12 of 1966, and this is the case in Oklahoma where a neurologist performed a cat scan on a patient suffering headaches revealing an abnormality in the brain. The doctor recommended a magnetic resonance arteriogram which required a one night stay in the hospital. The patient's HMO denied payment on the grounds the test was investigative. The doctor wrote the patient saying I still consider that a magnetic resonance arteriogram is medically necessary in your case. The HMO wrote to the doctor:

I consider your letter to the member to be significantly inflammatory, the HMO's medical director wrote. You should be aware that a persistent pattern of pitting the HMO against its member may place your relationship with the HMO in jeopardy.

So here, because the physician refused to abide by a gag rule and said that he was going to tell his patient what needed to be done even though the HMO would not cover it, now he is in trouble, and he is likely to be penalized or perhaps thrown out of the network because he told the truth.

Well, what kind of a society do we live in where we advocate freedom of speech yet we would deny the physician to speak out and tell his patient what is best based on his own medical opinion? Well, once again that would be corrected by the democratic Patients Bill of Rights not only because the physician would be allowed to say what he had to without any repercussions from the HMO but also because the procedure that was recommended, they would have to pay for it.

What a lot of the HMOs do, they get around paying for a particular type of surgery or operation or procedure by saying it is investigative, et cetera, speculative, it is something that has not received enough attention.

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What we find is that oftentimes a procedure that really is needed by the patient is not reimbursed or not paid for on those grounds.

Let me just give one final example, if I could. This is from the New York Post, September 19, 1995, and this is a 12-year-old girl who had to wait half a year for a back operation to correct a severe scoliosis. The HMO rejected the parents' bid to have a specialist perform the procedure, insisting instead on an in-network surgeon. After taking 6 months to determine that no one in its own network was capable, the HMO relented.

Now, there again, that goes back to what I mentioned before. Under the Democratic Patients' Bill of Rights, if, within the network, there is not a specialist who can deal with the particular problem or the health care need that one has, then one is entitled to go outside the network and the HMO has to pay for the specialist in that circumstance, and that would clearly cover this case.

I could go on and on and mention a lot more examples, and we certainly will over the next few weeks in an effort to make sure that this issue comes to the attention of the Senate and that we have action in the Congress as a whole, and we send a bill to the President before we adjourn in October.

The President, in responding to a letter to TRENT LOTT, the majority leader in the Senate earlier, this month, and I think we entered this letter into the RECORD last week, so I am not going to go into all of the details; but he spells out the problems that he has with the Republican bill that is proposed in the Senate and has a lot of similarities, in a negative way, to the House Republican bill.

But I do want to point out what the President is talking about in terms of the need to move the agenda. He says that, "Since last November, I have called on the Congress to pass a strong, enforceable and bipartisan Patients' Bill of Rights. During this time, I signed an executive memorandum to ensure that the 85 million Americans in Federal health plans receive the patient protections they need, and I have indicated my support for bipartisan legislation that would extend these protections to all Americans. With precious few weeks remaining before the Congress adjourns, we must work together to respond to the Nation's call for us to improve the quality of health care Americans are receiving."

Mr. Speaker, I want to point out that not only has President Clinton been

talking about the need for the Patients' Bill of Rights for over a year, started very emphatically in the State of the Union address last January, but he has signed these executive orders that actually expand the types of patient protections that I talked about tonight to those within Federal health plans. Also, last year, the Congress passed and sent to the President, and he signed, the Balanced Budget Act, which also included a lot of these protections in Medicare and Medicaid programs. Not all of them, but a lot of them.

So the President has done his part, really, to not only bring this issue to the attention of the Congress and the American people, but also through administrative methods to try to include it in any plan that comes under the aegis of the Federal Government. However, none of these things apply, or at least are required under Federal law, for anyone who has private health insurance. That is not fair. Clearly, if these things are good enough for the Federal Government, for Federal employees, for those who are in Medicare and Medicaid, it should apply to everyone equally, the same way.

More needs to be done, of course, because a lot of the things are not covered even under the Federal plans because the President does not have the authority to expand all of the patient protections to those plans, so we need the patient protections that I mentioned tonight, not only to make it fair for those who have private plans, but also to cover all of the public plans as well.

The last thing, the other thing that I wanted to point out that the President says in his letter to the majority leader in the Senate, he says, "I remain fully committed to working with you, as well as the Democratic leadership, to pass a meaningful Patients' Bill of Rights before the Congress adjourns. We can make progress in this area if, and only if, we work together to provide needed health care protections to ensure Americans have much-needed confidence in the health care system. I urge you to make the Patients' Bill of Rights the first order of business for the Senate."

The President has indicated, and all of the Democrats have indicated, that we want to work with the Republicans in a bipartisan way to get the Patients' Bill of Rights, or something like it, passed. So far we have not been getting that cooperation from the Republican leadership, even though we do get support from some Republican Members individually.

So I would urge tonight, we only have less than 4 weeks left really, and I would urge my colleagues to put pressure on the Republican leadership, in the Senate primarily, and ultimately in both Houses of Congress, to get this managed care reform agenda moving.



Let us have debate in the Senate, let us get something that both houses can agree on, and let us send it to the President before the October recess. We owe this to the American people, because so many people are suffering now when they are denied health care that they should have as Americans.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GOSS (at the request of Mr. ARMEY) for today and September 15 on account of illness in the family.

Mr. ENGEL (at the request of Mr. GEPHARDT) for today and September 15, on account of the New York primaries.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 5 p.m. On account of physical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LANTOS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LANTOS.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, on September 16.

Mr. RAMSTAD, for 5 minutes, today.

Mr. BOB SCHAFER of Colorado, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LANTOS) and to include extraneous material:)

Mr. TOWNS.

Mr. KUCINICH.

Mr. KIND.

Mr. BENTSEN.

Mr. LAFALCE.

Mr. FILNER.

Ms. KILPATRICK.

Ms. MCCARTHY of Missouri.

Mr. BONIOR.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous material:)

Mrs. JOHNSON of Connecticut.

Mr. BILBRAY.

Mr. SHUSTER.

Mr. SMITH of New Jersey.

Mr. COBLE.

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. HOBSON.

Mr. ROHRBACHER.

Mr. JOHNSON of Wisconsin.

Ms. EDDIE BERNICE JOHNSON of Texas.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items; to the Committee on Resources.

#### ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 15, 1998, at 9 a.m. for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10850. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of Great Britain Because of Exotic Newcastle Disease [Docket No. 98-002-2] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10851. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97-056-16] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10852. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97-056-15] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10853. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Increased Assessment Rate [Docket No. FV98-928-1 FR] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10854. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Acid Terpolymer, Partial Sodium Salts; Toler-

ance Exemption [OPP-300704; FRL-6024-1] (RIN: 2070-AB78) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10855. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Herbicide Safener HOE-107892; Pesticide Tolerances for Emergency Exemptions [OPP-300703; FRL-6024-7] (RIN: 2070-AB78) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10856. A letter from the Director, Defense Procurement, Acquisition and Technology, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Quality Assurance Among North Atlantic Treaty Organization [DFARS Case 97-D038] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10857. A letter from the Director, Defense Procurement, Acquisition and Technology, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Waiver of 10 U.S.C. 2534—United Kingdom [DFARS Case 98-D016] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10858. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program, Fulbright-Hays Faculty Research Abroad Fellowship Program, and Fulbright-Hays Group Projects Abroad Program (RIN: 1840-AC53) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10859. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedure for Water Heaters; Correction [Docket No. EE-RM-94-230] (RIN: 1904-AA52) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10860. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Certain Chemical Substances; Removal of Significant New Use Rules [OPPTS-50628B; FRL-6020-7] (RIN: 2070-AB27) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10861. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Revisions to Several Chapters of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program [AL-047-1-9825a; FRL-6156-9] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10862. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—An Approach For Using Probabilistic Risk Assessment In Risk-Informed Decisions On Plant-Specific Changes To The Licensing Basis (Regulatory Guide 1.174) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10863. A letter from the General Counsel, Federal Retirement Thrift Investment

Board, transmitting the Board's final rule—Thrift Savings Plan Loans [5 CFR Part 1655] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10864. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Personnel Records and Training (RIN: 3206-AH94) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10865. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Captive-bred Wildlife Regulation (RIN: 1018-AB10) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10866. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AE93), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10867. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers (STB Ex Parte No. 559) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10868. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Expensing of environmental remediation costs [Revenue Procedure 98-47] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10869. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Applicable percentage [Notice 98-42] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10870. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 98-42] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10871. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General statement concerning the effective date of Treasury Regulation [Notice 98-40] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10872. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98-43] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10873. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Higher Education Tuition and Related Expenses [Notice 98-46] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10874. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Revenue Procedure 98-50] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10875. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rewards for Information Relating to Violations of Internal Revenue Laws [TD 8780] (RIN: 1545-AU85) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Revenue Procedure 98-51] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10877. A letter from the Secretary, Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1999 Rates [HCFA-1003-F] (RIN: 0938-A122) received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10878. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10879. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10880. A letter from the Acting Comptroller General, Comptroller General, transmitting List of all reports issued or released by the GAO in July 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

10881. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10882. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Strategic Plan of the Federal Deposit Insurance Corporation for the years 1998–2003; to the Committee on Government Reform and Oversight.

10883. A letter from the Secretary of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 1998, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10884. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the study report for the El Camino Real de los Tejas, pursuant to 16 U.S.C. 1242(c); to the Committee on Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 4309. A bill to provide a comprehensive program of support for victims of

torture; with an amendment (Rept. 105-709, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3248. A bill to provide dollars to the classroom; with an amendment (Rept. 105-710). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3898. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base; with an amendment (Rept. 105-711 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 535. Resolution providing for consideration of the bill (H.R. 4006) to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, or euthanasia, of any individual (Rept. 105-712). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 4382. A bill to amend the Public Health Service Act to revise and extend the program for mammography quality standards; with an amendment (Rept. 105-713). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 4309 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 3898 referred to the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 4321. Referred to the Committee on Commerce for a period ending not later than September 25, 1998 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to Clause 5 of rule X the following action was taken by the Speaker:

H.R. 3898. Referral to the Committee on Commerce extended for a period ending not later than September 14, 1998.

H.R. 4309. Referral to the Committee on Commerce extended for a period ending not later than September 14, 1998.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:



By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 4558. A bill to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio:

H.R. 4559. A bill to assure equitable treatment in health care coverage of prescription drugs under group health plans, health insurance coverage, Medicare and Medicaid managed care arrangements, medigap insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 4560. A bill to provide short-term and long-term relief to agricultural producers, small businesses, and rural communities adversely affected by low prices for agricultural commodities; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 4561. A bill to amend the Internal Revenue Code of 1986 to provide that members of the uniformed services and the Foreign Service shall be treated as using a principal residence while on official extended duty; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself and Mr. GILLMOR):

H.R. 4562. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miami National Historical Site in the State of Ohio; to the Committee on Resources.

By Mr. MCINTOSH (for himself and Mr. NADLER):

H.R. 4563. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received for settlement of certain claims of Holocaust survivors; to the Committee on Ways and Means.

By Mr. RYUN:

H.R. 4564. A bill to amend the Internal Revenue Code of 1986 to provide that farm income may be allocated among taxable years; to the Committee on Ways and Means.

By Mr. TANNER:

H.R. 4565. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H. Con. Res. 326. Concurrent resolution permitting the use of the rotunda of the Capitol on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela; to the Committee on House Oversight.

By Mr. GUTIERREZ:

H. Res. 534. A resolution congratulating Sammy Sosa of the Chicago Cubs for tying the current major league record for home runs in one season; to the Committee on Government Reform and Oversight.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Ms. PRYCE of Ohio.

H.R. 218: Mr. MCINTOSH and Mr. PICKETT.

H.R. 979: Mr. LATHAM.

H.R. 2009: Mr. SHERMAN, Ms. CARSON, Mr. BUNNING of Kentucky, and Mr. BROWN of Ohio.

H.R. 2351: Ms. MCCARTHY of Missouri.

H.R. 2537: Mr. METCALF.

H.R. 2639: Mr. LAZIO of New York.

H.R. 2697: Mr. METCALF and Mr. MCDADE.

H.R. 2748: Mr. POMEROY.

H.R. 2754: Mr. DELAHUNT, Mr. SERRANO, and Mr. FORBES.

H.R. 2819: Mr. WELDON of Pennsylvania.

H.R. 2821: Ms. ESHOO and Mr. BARRETT of Nebraska.

H.R. 2908: Mr. MOLLOHAN and Ms. PELOSI.

H.R. 3855: Mr. ROGAN, Mr. MARTINEZ, Mr. KENNEDY of Rhode Island, Mr. BOB SCHAFER, Ms. LOFGREN, Mr. SKAGGS, and Mr. SHERMAN.

H.R. 3905: Mr. WELLER.

H.R. 3925: Mr. HINCHEY.

H.R. 4070: Mr. REYES and Mrs. CAPPS.

H.R. 4071: Mr. SANDLIN and Mr. BOYD.

H.R. 4213: Mr. RADANOVICH and Ms. VELÁZQUEZ.

H.R. 4219: Mr. OLVER.

H.R. 4238: Ms. SLAUGHTER.

H.R. 4242: Ms. MCCARTHY of Missouri, Mr. ROTHMAN, Mr. MASCARA, and Mr. FAZIO of California.

H.R. 4277: Mr. NADLER, Mr. COOKSEY, and Mr. BAKER.

H.R. 4297: Mr. GEKAS, Mrs. KELLY, Mr. SAM JOHNSON of Texas, and Mr. WELDON of Florida.

H.R. 4303: Mr. BOB SCHAFER.

H.R. 4330: Mr. PICKERING.

H.R. 4339: Mr. HULSHOF, Mr. CRAMER, Mr. COSTELLO, and Mr. HOLDEN.

H.R. 4344: Mrs. MCCARTHY of New York, Mr. MORAN of Kansas, Mr. POMEROY, Mr. EVANS, Mr. MINGE, and Mr. PRICE of North Carolina.

H.R. 4362: Mr. PETERSON of Minnesota and Mr. KUCINICH.

H.R. 4370: Mr. MANTON, Mr. KANJORSKI, Ms. DELAULO, and Mr. DICKEY.

H.R. 4395: Ms. KILPATRICK.

H.R. 4410: Mr. NEAL of Massachusetts.

H.R. 4417: Mr. BRYANT and Mr. MCCRERY.

H.R. 4449: Mr. DEAL of Georgia, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, and Mr. SKEEN.

H.R. 4450: Ms. WOOLSEY.

H.R. 4492: Mr. DOOLEY of California and Mr. COOK.

H.R. 4501: Mr. CUNNINGHAM, Mr. HANSEN, Mr. FROST, and Mr. MEEHAN.

H.R. 4542: Mrs. NORTHUP, Mr. GREENWOOD, Mr. SUNUNU, and Mr. GOSS.

H.R. 4550: Mr. SOLOMON, Mrs. MYRICK, and Mr. LEVIN.

H. Con. Res. 154: Mr. BROWN of California.

H. Con. Res. 203: Mr. DEFAZIO.

H. Con. Res. 304: Mr. LANTOS, Mr. FRANK of Massachusetts, and Mrs. MCCARTHY of New York.

H. Con. Res. 317: Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. HOYER, Mrs. NORTHUP, Mr. TURNER, and Mr. CHRISTENSEN.

H. Res. 483: Mr. MARKEY and Ms. NORTON.

H. Res. 519: Mr. SALMON, Mr. ENGLISH of Pennsylvania, Mr. CHRISTENSEN, and Mrs. MYRICK.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4006

OFFERED BY: Ms. JACKSON-LEE OF TEXAS

AMENDMENT NO. 1: Page 3, line 8, insert after "individual" the following: "without the individual's consent".